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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **THEEL, JULIE**) Examiner: Hylinski, Alyssa
Serial No.: **10/668,049**)
Filed: **09/22/2003**) Art Unit: 3711
For: **DISMEMBERABLE CANINE**)
APPEASEMENT DEVICE AND)
METHOD)

APPEAL BRIEF

Board of Patent Appeals and Interferences
P.O. Box 1450
Alexandria, VA 22313-1450

This brief is filed with small entity filing fee of \$270 per § 41.20(b)(2).

I. REAL PARTY IN INTEREST

The real party in interest is the inventor Julie Theel who is the sole and exclusive owner of the patent.

II. RELATED APPEALS AND INTERFERENCES

Currently, there are none.

III. STATUS OF CLAIMS ON APPEAL

The applicant appeals final rejection of claims 21-30, 41-47 and 55-62, finally rejected in the final office action of January 6, 2009. Applicant prays for relief to the BPAI to allow Claims 21-30, 41-47 and 55-62.

1 -20. (canceled)

21. (finally rejected) A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively grippable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

22. (finally rejected) The device of claim 21, wherein the house pet is a dog.
23. (finally rejected) The device of claim 21, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
24. (finally rejected) The device of claim 21, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
25. (finally rejected) The device of claim 21, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
26. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
27. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
28. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed

portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

29. (finally rejected) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

30. (finally rejected) The device of claim 21, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.

31. (withdrawn) A method of producing a pet toy for a house pet, the method comprising:
forming a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is gripable by a house pet using its mouth and paws, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

forming one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is gripable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet; wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently allowing a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

32. (withdrawn) The method of claim 31, wherein the house pet is a dog.
33. (withdrawn) The method of claim 31, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
34. (withdrawn) The method of claim 31, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
35. (withdrawn) The method of claim 31, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
36. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
37. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
38. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
39. (withdrawn) The method of claim 31, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
40. (withdrawn) The method of claim 31, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.
41. (finally rejected) A pet toy device for a house pet, the device comprising:

a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively grippable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively grippable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

42. (finally rejected) The device of claim 41, wherein the house pet is a dog.
43. (finally rejected) The device of claim 41, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
44. (finally rejected) The device of claim 41, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

45. (finally rejected) The device of claim 41, wherein the pet toy is constructed, at least in part, from rubber material.

46. (finally rejected) The device of claim 41, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

47. (finally rejected) The device of claim 41, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

48. (withdrawn) A method of producing a pet toy for a house pet, the method comprising:

forming a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively grippable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

forming one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively grippable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

49. (withdrawn) The method of claim 48, wherein the house pet is a dog.

50. (withdrawn) The method of claim 48, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

51. (withdrawn) The method of claim 48, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

52. (withdrawn) The method of claim 48, wherein the pet toy is constructed, at least in part, from rubber material.

53. (withdrawn) The method of claim 48, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

54. (withdrawn) The method of claim 48, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

55. (finally rejected) The pet toy device for a house pet of claim 21, wherein the house pet is a large dog.

56. (finally rejected) The pet toy device for a house pet of claim 55, wherein the pet toy device is constructed of a plastic material.

57. (finally rejected) The pet toy device for a house pet of claim 56, wherein the plastic material is a vinyl material.

58. (finally rejected) The pet toy device for a house pet of claim 56, wherein the plastic material is a polyethylene material.

59. (finally rejected) The pet toy device for a house pet of claim 41, wherein the house pet is a large dog.

60. (finally rejected) The pet toy device for a house pet of claim 59, wherein the pet toy device is constructed of a plastic material.

61. (finally rejected) The pet toy device for a house pet of claim 60, wherein the plastic material is a vinyl material.

62. (finally rejected) The pet toy device for a house pet of claim 60, wherein the plastic material is a polyethylene material.

IV. STATUS OF AMENDMENTS

The amendment in the response to the Non Final Office Action of March 31, 2008 was entered. There was no denial of the entry of the amendment. The applicant mailed the amendment on September 30, 2008. The amendment made before final is listed as follows verbatim for the purpose of reference.

1 -20. (canceled)

21. (Currently amended) A pet toy device for a house pet, the device comprising:
a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively grippable by a house pet using its mouth and paws, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and
one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively grippable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;
wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively

detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet;

thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

22. (original) The device of claim 21, wherein the house pet is a dog.
23. (original) The device of claim 21, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
24. (original) The device of claim 21, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
25. (original) The device of claim 21, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
26. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
27. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
28. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
29. (original) The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.

30. (previously presented) The device of claim 21, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.

31-40. (withdrawn)

41. (Currently amended) A pet toy device for a house pet, the device comprising:
a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively grippable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and

one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively grippable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

42. (original) The device of claim 41, wherein the house pet is a dog.

43. (original) The device of claim 41, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.

44. (original) The device of claim 41, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

45. (original) The device of claim 41, wherein the pet toy is constructed, at least in part, from rubber material.

46. (original) The device of claim 41, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

47. (original) The device of claim 41, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

48-54. (withdrawn)

55. (previously presented) The pet toy device for a house pet of claim 21, wherein the house pet is a large dog.

56. (previously presented) The pet toy device for a house pet of claim 55, wherein the pet toy device is constructed of a plastic material.

57. (previously presented) The pet toy device for a house pet of claim 56, wherein the plastic material is a vinyl material.

58. (previously presented) The pet toy device for a house pet of claim 56, wherein the plastic material is a polyethylene material.

59. (previously presented) The pet toy device for a house pet of claim 41, wherein the house pet is a large dog.

60. (previously presented) The pet toy device for a house pet of claim 59, wherein the pet toy device is constructed of a plastic material.
61. (previously presented) The pet toy device for a house pet of claim 60, wherein the plastic material is a vinyl material.
62. (previously presented) The pet toy device for a house pet of claim 60, wherein the plastic material is a polyethylene material.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The applicant appeals all claim rejections 35 USC § 103 of claims 21-30, 41-47 and 55-62.

- Applicant appeals examiner's rejection that Claims 21-30, 41-47 and 55-62 are rejected under 35 U.S.C. 103 over Shamitoff.
- Applicant appeals examiner's rejection that Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Russel.
- Applicant appeals examiner's rejection that Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Alonso 3,375,604.
- Applicant appeals examiner's rejection that Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Essebaggers 5,108,100.

VII. ARGUMENT

A. Applicant appeals examiner's rejection that Claims 21-30, 41-47 and 55-62 are rejected under 35 U.S.C. 103 over Shamitoff.

As previously stated in the remarks of September 30, 2008, Shamitoff does not disclose a dog toy. The present invention is a dog toy. The Shamitoff reference would be totally changed in its principle of operation if it were to become a dog toy. According to the manual of patent examining procedure 2143.01 states that the proposed modification cannot change the principle of operation of a reference. The teachings and suggestions of the Shamitoff reference cannot be modified using another prior art reference to change the Shamitoff reference to disclose the claimed invention. Shamitoff further fails to teach in each and every element of the claims for the reasons stated above. The claim amendments are not vague. The main member and secondary members being adapted to teeth of a dog discloses a ruggedized dog toy having parts that cannot be swallowed, rather than the device of the Shamitoff reference.

The Shamitoff reference teaches a plurality of small detachable portions of the head such as eyes, ears, earrings, nose, mouth, mustache, beard and hair. (Shamitoff col. 5, line 5-8) It is common knowledge that items such as these small detachable portions are extremely small and easy to swallow by a common pet dog such as a Labrador Retriever. Thus, the Shamitoff reference teaches away from a pet toy.

The Shamitoff reference in combination with the other references does not teach a pet toy of the present invention with primary and secondary members that are nondestructively disassembled and re-combinable.

The supplemental declaration of Julie Theel provides secondary Graham factor evidence as to nonobviousness (Exhibit A). The Rule 1.132 affidavit of Julie Theel of May 20, 2002 in United States application 10/154,127, now US Patent 6,623,328 should also be considered for secondary factors (Exhibit B).

B. Applicant appeals examiner's rejection that Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Russell.

For the sake of brevity, but rejections of the independent claims were discussed in detail on the understanding that the dependent claims are also patently distinct over the prior art, as they did then directly from their restrictive independent claims. Nevertheless, but dependent claims include additional features that, in combination with those of the independent claims, provide further separate and independent basis for patentability.

Shamitoff fails to teach or suggest each and every element of claim 26 for the reasons stated above. While the Russell reference may disclose the additional limitation of claim 26, the Russell reference clearly does not supply the deficiencies of claim 21 set forth above. Accordingly, the applicant respectfully submits that claim 26 is patentable because claim 21 is patentable.

C. Applicant appeals examiner's rejection that Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Alonso.

For the sake of brevity, but rejections of the independent claims were discussed in detail on the understanding that the dependent claims are also patently distinct over the prior art, as they did then directly from their restrictive independent claims. Nevertheless, but dependent

claims include additional features that, in combination with those of the independent claims, provide further separate and independent basis for patentability.

Shamitoff fails to teach or suggest each and every element of claim 27 for the reasons stated above. While the Alonso reference may disclose the additional limitation of claim 26, the Alonso reference clearly does not supply the deficiencies of claim 21 set forth above. Accordingly, the applicant respectfully submits that claim 27 is patentable because claim 21 is patentable.

D. Applicant appeals examiner's rejection that Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shamitoff and Essebaggers 5,108,100.

For the sake of brevity, but rejections of the independent claims were discussed in detail on the understanding that the dependent claims are also patently distinct over the prior art, as they did then directly from their restrictive independent claims. Nevertheless, but dependent claims include additional features that, in combination with those of the independent claims, provide further separate and independent basis for patentability.

Shamitoff fails to teach or suggest each and every element of claim 30 for the reasons stated above. While the Essebaggers reference may disclose the additional limitation of claim 30, the Essebaggers reference clearly does not supply the deficiencies of claim 21 set forth above. Accordingly, the applicant respectfully submits that claim 30 is patentable because claim 21 is patentable.

Respectfully submitted for appellant,

Dated: 8/28/2009

By: 

Tel: (714) 825-0555

CLEMENT CHENG, Bar #45463

Fax: (714) 825-0558

17220 Newhope Street, Suite 127

Fountain Valley, CA 92708

VIII. CLAIMS APPENDIX

21. A pet toy device for a house pet, the device comprising:
 - a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively grippable by a house pet using its mouth and paws, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and
 - one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively grippable by a house pet using its mouth and paws; each pet toy secondary member further having an interface surface that corresponds to the main member interface surfaces, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;
 - wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state, and repeatably reattachable by a human to recreate an attached toy state after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.
22. The device of claim 21, wherein the house pet is a dog.
23. The device of claim 21, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
24. The device of claim 21, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.

25. The device of claim 21, wherein the pet toy is constructed from one or more materials selected from the group of denim, plush, corduroy, and rubber.
26. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using hook and loop tape.
27. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using magnets.
28. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a protrusion at each interface surface that snaps into a mating socketed portion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
29. The device of claim 21, wherein the pet toy main member and the pet toy secondary members are attached at the interface surfaces using snaps, whereby the pet toy main member includes a socketed portion at each interface surface that snaps onto a mating protrusion on an interface surface of each secondary member, thereby attaching the pet toy main member to the pet toy secondary members.
30. The device of claim 21, further comprising a cord that connects the pet toy main member and the pet toy secondary members at the interfacing surfaces, wherein the cord is sized in length to allow the interface surfaces on the main member to separate from the interface surfaces on the secondary member while still remaining connected via the cord, and wherein the cord facilitates restoring the pet toy to the attached toy state after the main member and the secondary members have been detached from each other by a house pet.
41. A pet toy device for a house pet, the device comprising:
 - a pet toy main member having an exterior surface and one or more interface surfaces, wherein the main member exterior surface is non-destructively gripable by a house pet using its mouth and paws, wherein each of the main member interface surfaces includes a first portion of a snap connector, wherein the main member is adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy main member is shaped and sized to prevent swallowing by a house pet; and
 - one or more pet toy secondary members, each pet toy secondary member having an exterior surface that is non-destructively gripable by a house pet using its mouth and paws; each

pet toy secondary member further having an interface surface that includes a second portion of a snap connector that mateably corresponds to the first portion of the snap connector on each main member interface surface, wherein the secondary members are adapted to teeth of a dog and to withstand biting, chewing, and rending, and wherein the pet toy secondary members are shaped and sized to prevent swallowing by a house pet;

wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attachable by a human to create an attached toy state via the snap connectors, non-destructively detachable by a house pet using its mouth and paws to create a detached toy state by disconnecting the snap connectors, and repeatably reattachable by a human to recreate an attached toy state via the snap connectors after being detached by a house pet; thereby enabling a house pet to tear apart the main and secondary members of the toy by gripping the exterior surfaces of the toy with its paws and mouth, and subsequently enabling a human to easily reassemble the toy by reattaching the interface surfaces of the main member and secondary members.

42. The device of claim 41, wherein the house pet is a dog.
43. The device of claim 41, wherein the exterior surfaces of the pet toy main member and the pet toy secondary members are sufficiently durable to non-destructively withstand biting and chewing by a house pet.
44. The device of claim 41, wherein the interface surfaces of the main member and the interface surfaces of the secondary members are attached securely enough via the snap connectors to require a substantial amount of force to detach the secondary members from the main member that a challenge is provided for a house pet.
45. The device of claim 41, wherein the pet toy is constructed, at least in part, from rubber material.
46. The device of claim 41, wherein the first portion of a snap connector includes a protrusion, and the second portion of a snap connector includes a mating socketed portion, and wherein the first portion of the snap connector is shaped and sized to snap into the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.
47. The device of claim 41, wherein the first portion of a snap connector includes a socketed portion, and the second portion of a snap connector includes a mating protrusion, and wherein

the first portion of the snap connector is shaped and sized to snap onto the second portion of the snap connector, thereby attaching the pet toy main member to the pet toy secondary members.

55. The pet toy device for a house pet of claim 21, wherein the house pet is a large dog.

56. The pet toy device for a house pet of claim 55, wherein the pet toy device is constructed of a plastic material.

57. The pet toy device for a house pet of claim 56, wherein the plastic material is a vinyl material.

58. The pet toy device for a house pet of claim 56, wherein the plastic material is a polyethylene material.

59. The pet toy device for a house pet of claim 41, wherein the house pet is a large dog.

60. The pet toy device for a house pet of claim 59, wherein the pet toy device is constructed of a plastic material.

61. The pet toy device for a house pet of claim 60, wherein the plastic material is a vinyl material.

62. The pet toy device for a house pet of claim 60, wherein the plastic material is a polyethylene material.

IX. EVIDENCE APPENDIX

The evidence appendix consists of Exhibits A and B:

Exhibit A. The supplemental declaration of Julie Theel of August 28, 2009 which has the following subexhibits:

- Exhibit 1 The Purina Encyclopedia of Dog Care by Amy D. Shojai
- Exhibit 2 Vet on Call edited by Matthew Hoffman
- Exhibit 3 Fax from Aspen Pet re License Agreement
- Exhibit 4 Email from G. Hirschberg re marketing Julie Theel's toy
- Exhibit 5 Email from J. Rudalevige (Petco) re interest in product line
- Exhibit 6 Customer feedback
- Exhibit 7 Marketing Survey results (14)
- Exhibit 8 Rip Roarin' Fun-nies by Pet Generation flyer

Exhibit B. The Rule 1.132 affidavit of Julie Theel of May 20, 2002 in United States application 10/154,127, now US Patent 6,623,328.

X. RELATED PROCEEDINGS APPENDIX

There are no exhibits in the related proceedings appendix.

XI. JURISDICTIONAL STATEMENT

The Board has jurisdiction under 35 U.S.C. 134(a). On January 6, 2009 the Examiner mailed a final rejection setting a three-month shortened statutory period for response. The time for responding to the final rejection expired on April 6, 2009. Rule 134. A notice of appeal and a request for a three-month extension of time under Rule 136(a) was filed on July 3, 2009.

The time for filing an appeal brief is two months after the filing of a notice of appeal. Bd.R. 41.37(c). The time for filing an appeal brief expires September 3, 2009. The appeal brief has the filing date of August 28, 2009.

Respectfully submitted for appellant,

Dated: 8/28/2009

Tel: (714) 825-0555

Fax: (714) 825-0558

By: 

CLEMENT CHENG, Bar #45463

17220 Newhope Street, Suite 127

Fountain Valley, CA 92708

Exhibit A

IN THE UNITED STATES PATENT OFFICE

APPLICATION OF)
)
THEEL, Julie)
)
SERIAL NUMBER: 10/668,049)
)
FILED: 09/22/2003)
)
TITLE: DISMEMBERABLE CANINE)
APPEASEMENT DEVICE AND METHOD)
)

SUPPLEMENTAL DECLARATION

STATE OF Calif.)
) ss
COUNTY OF Orange)

My name is Julie Theel, I am making this declaration and affidavit. I being duly sworn, do hereby depose and say as follows:

Julie Theel, who has owned many house dogs over the past 30 years, has invented a "rip apart" dog toy to prevent dogs from destroying toys within days of first receiving them. As the owner of three beloved dogs ranging from 15 pounds to 95 pounds, Julie has spent countless dollars in weekly purchases to replace the toys her dogs destroy. All three of her dogs derive great enjoyment from playing with plush toys – the only problem is that after several days of play, or in some cases only hours, the toys are often ripped to shreds, reduced to mere carcasses, with her delighted dogs sitting in a messy sea of stuffing.

After many years of suffering hours of "stuffing clean-up" and commiserating with fellow dog owners over the problem of destroyed toys, Julie came up with the idea for a toy that dogs could truly "rip apart." Julie discovered that Velcro® attachments were the answer, as they allow dogs to feel as if they are ripping something apart without actually ruining the toy. After creating prototypes and finding a manufacturer, she took her "rip apart" dog toy to market.

The response has been overwhelming. Never before has such a toy been created specifically for dogs, as evidenced by an extensive patent search, as well as by the testimony of many long-time industry players and storeowners in the attached Market Survey. Upon introduction in Anaheim, Calif. at the "Superzoo Dog Industry Show" in July 2002, followed by the biggest show, "H.H. Backer Dog Industry Show" in Chicago in October 2002, Julie was immediately approached for licensing by the two biggest dog toy manufacturers. These manufacturers both expressed the desire to have the rights to introduce these toys as their latest and greatest new dog toy.

Additional testimony to the favorable response to the idea for a dismemberable dog toy is that in 2003, Petco, one of the largest chains of pet supply stores, approached Julie with the desire to merchandise the toys in their boutique concept stores, where they claimed they were only placing "new and unique items."

The customer response to Julie's "rip apart" dog toy has been remarkable as well. Julie has received numerous emails from grateful customers thanking her for creating a toy that can withstand the chewing and ripping that occurs during dog play:

"We have purchased your rip apart toys for our Akita, and have found that the ripping noise of the Velcro has kept her from destroying it! We purchased it thinking that it would not last long. We were surprised when it lasted, and became a game for our Akita to rip the pieces apart, and then wait for us to put it back together. We have yet to experience any of the pieces being torn apart at the seams!" Sandy Arbogast, Akita Rescue of Western New York

"Hi Julie, I received your wonderful toys today. I can't tell you how much we all love them." - Martnel Bonaquisti, owner of Dogma Pet Boutique, Irvine, CA

"I was given one of your Rippys toys as a gift for my Cocker Spaniel, she absolutely loves it and I would like to find out how to purchase more of your innovative products."

-Thank you, J Murray, Mesa AZ

"We love the new tiger and monkey – sold a monkey before I even had them out of the box! Your product is great!" – Amber at Healthy Pet

"Mark's dog (Railey) *loves* your toys! It's his new favorite. Mark calls it 'Railey's 'headless' monkey.'" – Jill at Railey's Leash & Treat

"I LOVE THESE TOYS!!! They are awesome for puppies. We have malamute puppies and they are wonderful for inspiring confidence and finding out who in the litter has the prey drive." Cindy O'Malley, a longtime breeder of Alaskan Malamutes

"Your toys are truly unique – haven't come across any like them in my ongoing extensive search." – Carmen Laurin, owner of Pet Perspectives, a business that writes and produces illustrated memorials and stories for clients about their pets

It is because of this overwhelming response, along with the licensing requests which depend on the acceptance of a patent, and the fact that she truly believes that there was a long-felt need for a "rip apart" dog toy made specifically for dogs that solves the problem of destroyed toys and other items (born out of a chewing, ripping need common to all dogs), that Julie hopes to be granted protection of her idea.

1. Dogs have a chewing need that can turn destructive if not given a proper outlet.
 - "Canine chewing is normal, natural behavior for dogs and cannot –should not—be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings" (-Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg.109)
 - "...destructive behavior has no age limits...they are not being spiteful or trying to punish you ...they're just finding the most convenient outlet for their emotions." (-Vet on Call, pg.142)
 - "One reason dogs chew when they're upset is because that's their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives" (-Steven Appelbaum, animal behaviorist, Vet on Call, pg. 143)
 - "Dogs don't show emotion the way people do...they experience the same feelings, such as anxiety, frustration, and boredom. They can't tell you when they're upset, but they can show you – sometimes with destructive behavior." (-Vet on Call, pg. 142)

- “While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with” (-Vet on Call, pg.142)
- “...unlike people, dogs don’t outgrow the habit of mouthing and gnawing.” (-Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg. 108)

2. There is a long-felt need for proper outlets for this instinctual chewing need.

- Note: See Market Survey: The market survey attests to a long-felt need for a proper “ripping outlet”
- Julie’s own experiences as a dog owner, and the many, irreparably ripped apart dog toys that she has had to replace over the years
- Feedback from the “dog community” at Dog Industry Shows (Superzoo, Anaheim, CA, July 2002, and H.H. Backer, Chicago, October, 2002)
- Julie’s retailers’ testimony that the most common complaint among dog owners is a ripping apart/destruction of household items

3. A “rip apart” dog toy provides a proper outlet for this chewing need.

- Note: See Market Survey: Dogs seem to be appeased after ripping the main parts apart
- Julie’s own experience: Her dogs no longer irreparably destroy their toys, but rather seem delighted after ripping heads, arms and legs off, and she can then simply stick the toy back together.

4. A “rip apart” toy has never been created, marketed, or patented specifically for dogs before

- Patent search evidences this
- Note: See Market Survey: Store owners and managers, most of whom have been in the business many years and could be considered experts by way of experience, testify that they have never seen a “rip apart” dog toy before
- Petco, the largest chain of dog supply stores, proposed placement of the toys in their new “boutique” sections of their stores where they are merchandising only new and unique items

5. Although “rip apart” toys exist for humans, these toys are a completely different toy from “rip apart” toys for dogs

- “Rip apart” dog toys:
 - constructed to be ripped apart with the teeth
 - made in a way that provide an outlet for appeasement of the instinctual, inherent chewing, rip-apart-with-the-teeth need, which is exclusive to dogs (humans don’t normally rip their shoes or furniture apart with their teeth to alleviate frustration, boredom, or stress)
 - dogs can’t comprehend stress after a “bad call” in a ball game so the dog toys are not devised for this release
 - dogs don’t rip apart the toys for any educational means, or so that they can enjoy putting them back together, so the toys are not devised for dogs to put them back together
- “Rip apart” human toys:
 - often meant to be taken apart so that they can be put back together as an end use
 - often meant to be educational
 - can be used to release stress humans might feel after a “bad call” in a ballgame

- not meant to alleviate a prey or chewing instinct
- Humans don't have a long-felt need for a toy that will help humans eliminate destructive chewing, or any oral behavior toward shoes, clothes, or furniture, however dogs do need such a toy to provide this outlet, and "rip apart" toys made for dogs provide this outlet

6. Toys that are created specifically for dogs, differ from toys that are made for humans
 - Size: with special consideration for the largest sized dogs' mouths, i.e. no small parts, tennis ball sized or larger, so as not to be swallowed
 - Shape: with special consideration for what would entice dogs, usually animal shapes to simulate prey, or balls to encourage chasing
 - Color: animal behaviorists claim pink and orange are most enticing to dogs
 - Sound: voice boxes to simulate animal/prey sounds are especially desirable to dogs, as well as rattles and squeakers
 - Safety: no plastic eyes, embroidered facial features are best, no toxic materials, must be washable, no removable metal pieces
 - Velcro® that is strong enough to give dogs enough resistance to simulate "destruction" but soft enough to avoid abrasion of the gums, and always rounded at corners so as not to "poke" dogs mouths
 - Proper warnings on hang tags for dogs
7. "Rip apart" dog toys are non-obvious...they are new, unique, answer a problem, and upon introduction were suddenly in great demand
 - The two top competing dog toy companies have each approached me with requests to enter into a licensing agreement for the "rip apart" dog toys IF a patent is granted (without a patent they will go forward without my consent or control, "We have a keen interest in your concept..." Mr. Gary Hirschberg, president, Vo-Toys, in an email to Julie, attached).
 - The largest chain of dog supply stores, Petco, proposed merchandising the toys in their new high-end concept stores which only feature, according to buyer for Petco, Ms. Joanna Rudalevige, the most new and unique items.

In a Marketing Survey that was sent to approximately 70 pet shop owners who sell dog supplies, the results thus far of the Pet Generation Marketing Survey have been as follows:

1. For the Question, "Have you ever seen a "rip apart" dog toy, prior to the Rip Roarin Fun-nies?"
All 14 respondents said "NO"
2. For the Question, "Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?"
All 14 respondents said "YES"
3. For the question, "Do you feel that the "Rip-Roarin Fun-nies" rip apart toys provide a good outlet for that rip apart need?"
All 14 Respondents said "YES"

4. For the question, "Do dogs rip apart the individual pieces or do they seem appeased, at least temporarily, after removing the Velcro attachments?"

Several different responses were generated:

3 Respondents were unsure, 4 stated that some dogs do, some do not, 5 stated that the dogs are at least temporarily appeased, 2 stated that dogs still ripped apart individual pieces.

5. For the Question, "Do you feel that there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)

13 Respondents said yes, and 1 Respondent was unsure

6. For the Question asking for the "features that make the Rip Roarin' Fun-nies especially well suited for dogs.

Respondents answered with, "Cute," Soft, Velcro, Fun, Size, Velcro attachments, Small size of the Parts, No strings or plastic eyes for dogs to swallow, Only come apart by pulling apart, Hide a Treat Option, Sound of the Velcro, Fact they can rip it apart, Washable, Noise, Cute Shapes, strong Velcro, quality fleece, Velcro Sound.

The most common response referred to attributes of the Velcro.

7. For the Question, "What kind of feedback had you had from your customers regarding the "Rip Roarin Fun-nies"

13 Respondents reported that they received Positive Feedback

1 Respondent reported that they received negative Feedback due to Opening of Back Seam.

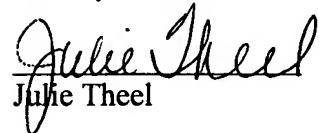
8. For the Question, "In comparison to the other dog toys your store sells, please rank the sale: of the Rip Roarin Fun-nies"

4 Respondents reported that they are not selling as well as other toys

7 Respondents reported that they are selling the same as the other toys

3 Respondents reported that they were selling better than the other toys

I testify that the above is true and accurate to the best of my knowledge.


Julie Theel

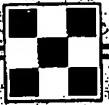
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**EXHIBIT LIST FOR
SUPPLEMENTAL DECLARATION OF JULIE THEEL**

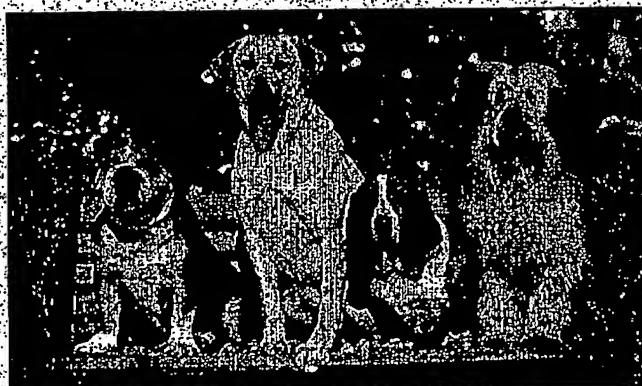
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Exhibit 1

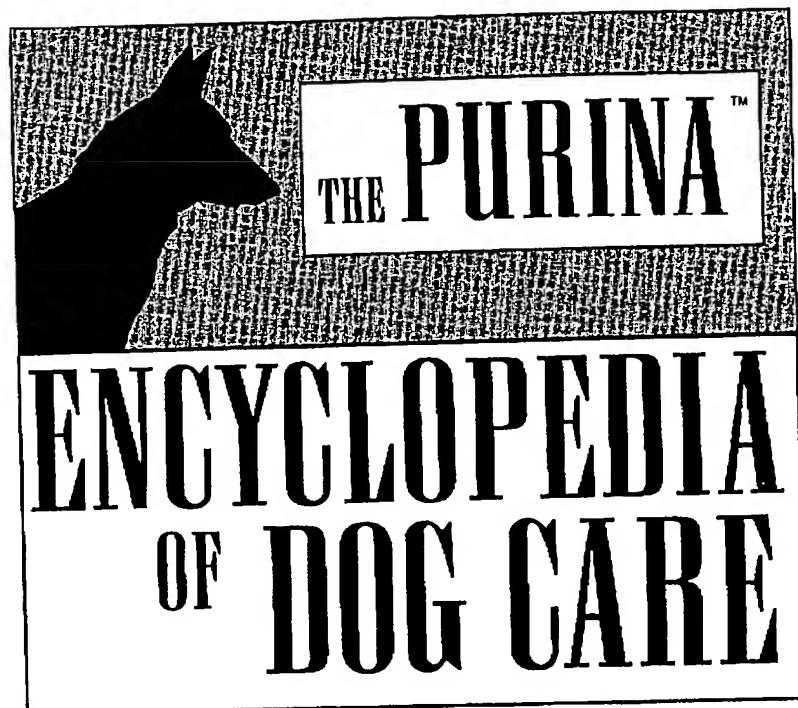


THE PURINA ENCYCLOPEDIA OF DOG CARE

A COMPLETE A-TO-Z GUIDE, FROM
CANINE CARE AND PERSONALITY
TRAITS TO BREED CHARACTERISTICS!



AMY J. SHOJAI
FOREWORD BY BRIAN KILCOMMONS



AMY D. SHOJAI

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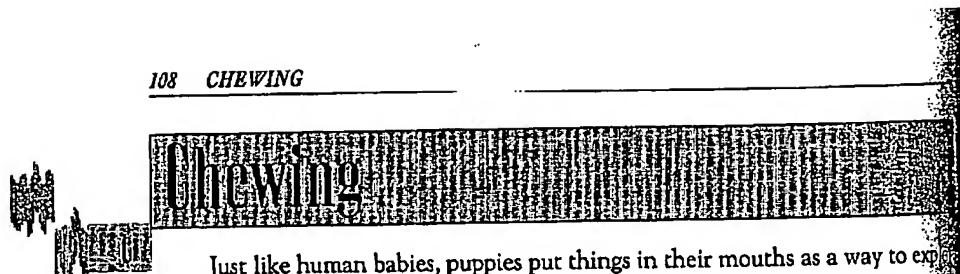
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ISBN 0-345-41286-9 (hc : alk. paper)
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Just like human babies, puppies put things in their mouths as a way to explore their world. Particularly when teething, young dogs chew objects to relieve the discomfort. But unlike people, dogs don't outgrow the habit of mouthing and gnawing.

Your dog doesn't have hands and instead uses her mouth. Canines are mouth-oriented creatures with an incredible ability to control the intensity



Dogs love to chew
(Photo credit: Amy D. Shojai)



Chewing can wear
or break teeth
(Photo credit: Ralston Purina Company)



Chewing sticks can cause problems (Photo credit: Betsy Stowe)

their bite. Modern pet dogs use their powerful teeth and jaws to pick up and carry things, to eat, for defense, and for recreational chewing. Gnawing objects simply feels good to dogs.

This oral fixation tends to get dogs into trouble, however, because they aren't always particular about the objects they target. Canine chewing not only can damage your property, but can injure the dog when teeth are broken or an object is swallowed (see SWALLOWED OBJECTS and PERIODONTAL DISEASE).

Items that carry their beloved owner's scent—like leather shoes—are often targeted, but nothing is sacred. Dogs who are bored and have nothing else to do tend to be problem chewers.

Chewing is normal, natural behavior for dogs and cannot—should not—be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings.

Avoid offering objects that may confuse your dog. If she's not to chew your new shoes, don't offer the old ones; dogs may not be able to tell the difference. Choose instead a dog toy sold in grocery or pet stores. The key to solving problems is to reduce your dog's opportunities to make mistakes. Don't leave tempting items scattered about the house, and confine your dog to a "safe" zone when you aren't there to supervise her activity. When you catch

her chewing a forbidden object, tell her "no" and take it away (or remove her from the table leg), and provide her with an allowed alternative. A product like Bitter Apple applied to dangerous objects, like electrical cords, will help train your dog to leave forbidden items alone.

Never offer your dog bones to chew on. Raw bones are unsanitary, and both raw and cooked bones can splinter under the dog's assault. Swallowed fragments could cause lethal internal trauma by puncturing or blocking the gastrointestinal tract.

A number of commercial chew objects are available, including a variety of flavored rawhide toys. Rawhide is fine in moderation, but large dogs tend not only to chew, but to eat the things. In excess, rawhide can interfere with sound nutrition when your dog eats these treats instead of her food. They can also cause CONSTIPATION and sometimes blockage if large enough pieces are swallowed.

Commercial hard rubber chew objects are available in sizes and even chicken and liver flavors to suit nearly every dog. The Nylabone and Gumbone products are excellent, offering a nearly indestructible source of chewing delight.

CHELYELIELLA DERMATITIS

Also called *Cheyletiella* dermatitis, this condition in dogs is usually caused by a mite called *Cheyletiella yasguri*. The mite lives on the surface of the dog's skin and causes a contagious disorder that tends to be limited to scaling and crusting of the skin. Typically, the dog's fur looks filled with dandruff. The skin may be itchy or not, and occasionally the lymph nodes will also swell. Some dogs may harbor the mite without showing any signs, yet spread the disease. Any

CHELYELIELLA DERMATITIS

Special treatment is not usually required, as the mite is easily removed by a bath. If the dog is severely infested, a topical treatment may be necessary. Prevention is the best treatment, as the mite is easily spread by dogs.

Exhibit 2



Vet On Call

The Best Home Remedies
for Keeping Your Dog Healthy

From the Editors of

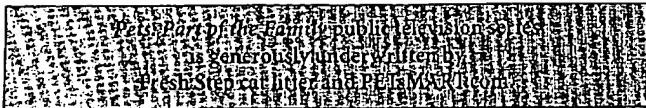


Edited by Matthew Hoffman

Veterinary consultant: Christine L. Wilford, D.V.M., is a veterinarian in private practice in Seattle, Washington, and the "Veterinary News" columnist for *American Kennel Club Gazette*.



Rodale Press, Inc.
Emmaus, Pennsylvania



Notice

This book is intended as a reference volume only, not as a medical manual. The information given here is designed to help you make informed decisions about your pet's health. It is not intended as a substitute for any treatment that may have been prescribed by your veterinarian. If you suspect that your pet has a medical problem, we urge you to seek competent medical help.

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—OUR PURPOSE—

To explore, celebrate, and stand in awe before the special relationship between us and the animals who share our lives.

Pets
A St. Martin's Book

Destructiveness

Many dogs, from the most refined poodle to the heartiest mutt, seem to have a secret side. When you're home your dog is always on his best behavior. But when you leave for work or go to bed, his personality changes and he shows his dark side—as you later discover when you find your tattered shirt, chewed shoes, and dug-up plants.

It's normal for puppies to chew, so your first task, after buying a food bowl, a tiny collar, and a chew toy, is to get your possessions off the floor and out of jaw-range. But destructive behavior has no age limits. Some older dogs, after years of good behavior, suddenly seem to forget their lessons and go on a rampage. They're not being spiteful or trying to punish you for leaving them at home all day. They're just finding the most convenient outlet for their emotions.

Don't Leave Me

Dogs don't show their emotions the way people do, so we sometimes forget that they experience many of the same feelings, such as anxiety, frustration, and boredom. They can't tell you when they're upset, but they can show you—sometimes with destructive behavior.

It's not a coincidence that dogs are usually at their most destructive when they're left alone, says Daniela Ortner, an animal behaviorist in Los Angeles, California. Until humans came on the scene, dogs always lived in packs, and they don't like spending time alone. In your dog's eyes, you're part of his pack, and when you leave the house, he may feel abandoned. As his anxiety mounts he may experience the canine equivalent of temporary insanity and begin annihilating everything within reach. It's his way of working out bad feelings. For more information on separation anxiety see pages 158 to 159.

Unless you spend your days at home, there's no easy way to monitor your dog's goings-on. It takes time and patience, but there are ways to help him cope with being on his own.

Enroll your dog in doggie day care. The extra attention will make him less anxious—and less destructive.

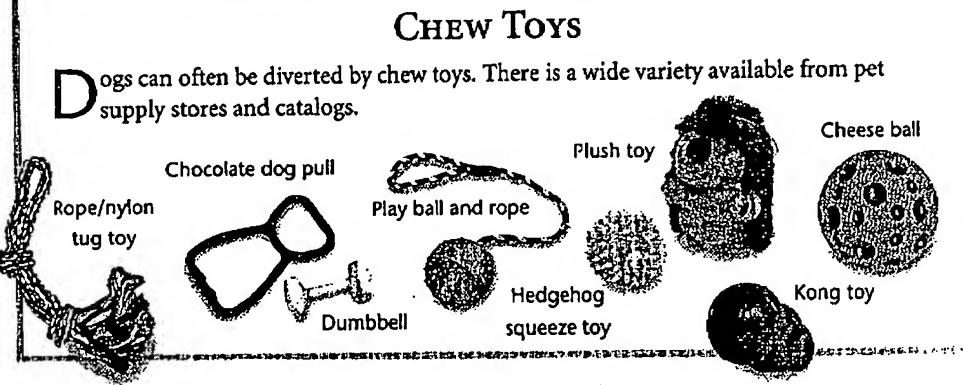


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Find him a job. Dogs who are confident and secure are much less likely to become destructive when they're alone. A great way to boost your dog's ego is to give him something to do—anything from canine sports like flyball to visiting hospitals or nursing homes. Also, active dogs are tired dogs, so they're more likely to sleep than look for trouble when you're gone, says Patricia McConnell, Ph.D., a certified animal behaviorist in Black Earth, Wisconsin.

Dogs need special training for therapy-dog work. That's not a bad thing, because many dogs enjoy obedience training, and especially the praise that comes from doing a good job.

Keep his jaws busy. One reason dogs chew when they're upset is because that's their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives, like chew toys or tennis balls, says Steven Appelbaum, an animal behaviorist in Northridge, California. A good choice is the Kong toy, says Dr. McConnell. Made of stout

rubber with a hollow cavity inside, these are designed to hold small amounts of food, like cheese or a spoonful of peanut butter. Dogs can happily spend hours just trying to get the food out of the hole.

When choosing chew toys, avoid discarded socks or shoes. Your dog can't tell the difference between old, rejected slippers and brand-new pumps. If you let him think one shoe is acceptable, he'll conclude that all shoes are fair game.

Use a deterrent. Some dogs have a favorite object—anything from a piano leg to the corner of a door frame—and will keep returning to chew the life out of it. Spraying the object with something that tastes or smells bad, such as Bitter Apple or citronella, available in pet supply stores, will help keep them away.

Another approach is to booby-trap the things your dog chews—for example, by putting coins in an empty soda can and tying it to the object of his desire. When he grabs it, the noise will startle him and he may think twice about chewing it next time.



Give him his own space. Dogs naturally gravitate to small, enclosed, den-like spaces, especially when they're anxious. In fact, many dogs feel insecure when they have the run of the house—they don't know what to do with all that space. Try confining your dog in a small room or gradually get him used to being crated when you're not home. This can make him feel much safer and more secure, so he's less likely to run amok.

Sabotage his digging. Some dogs get destructive in the house; others love tearing up the yard. It's extremely hard to discourage a dog that digs digging, but you can make it harder for him by burying lava rock in the area, since he won't like the way it feels when he hits it, says Appelbaum. Or try cutting his nails so that digging feels uncomfortable—but don't cut them so short that you damage the sensitive quick.

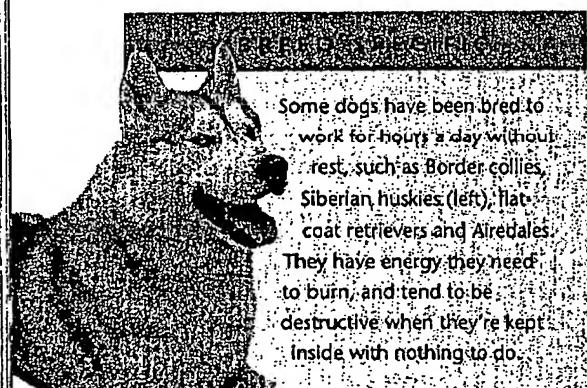
Drop by occasionally. If you're lucky enough to live close to work, you can always drop by at lunchtime. When you visit your dog during the day, his isolation is interrupted, and



This bearded collie is burning tremendous amounts of energy. The more he plays and exercises the less likely he is to be distressed and destructive.

he'll be less likely to be anxious when you're gone. When you're not able to get away from work, you might want to arrange with a neighbor or a professional dog sitter to drop by your home during the day. Giving your dog someone to play with, even if it's only for a few minutes, will help keep him entertained while taking his mind off your belongings, says Ortner.

Wear him out. While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with. A good solution is to give him a lot of exercise just before you leave in the morning and again when you get home at night, says Dr. McConnell. A dog who's used up all his energy is much less likely to be destructive.



Some dogs have been bred to work for hours a day without rest, such as Border collies, Siberian huskies (left), flat-coat retrievers and Airedales. They have energy they need to burn, and tend to be destructive when they're kept inside with nothing to do.

Exhibit 3



FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Julie Theel	Kelsey Baker, Executive Assistant
COMPANY:	DATE:
Pet Generation	11/11/2002
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
949.425.8756	4
PHONE NUMBER:	SENDER'S PHONE NUMBER:
	303.375.1001
RE:	SENDER'S FAX NUMBER:
License Agreement	303.375.1254

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

From Robert Kirch ...

Aspen Pet Products, Inc.
4735 N. Florence Street
Denver, CO 80238

November 11, 2002

Julie Theel, President
Pet Generation
1280 Bison
Suite: B9-263
Newport Beach, CA 92660

Re: "Rip Roarin' Fun-nies

Dear Julie:

On the basis of our telephone conversation, we are pleased to advise you that Aspen Pet Products, Inc. ("Aspen") is interested in entering into a definitive Exclusive License Agreement (the "Agreement") with Pet Generation ("Inventor") with respect to the Rip Roarin' Fun-nies (the "Product"). We understand that the Product could potentially be the subject of a utility patent in the US, which has been filed by the Inventor. This letter of interest sets forth the key terms of our proposal for an Agreement, as follows:

1. Terms of Agreement. The principal terms of the Agreement will be as follows:

- a. Inventor will grant to Aspen the exclusive right to manufacture, distribute and sell the Product worldwide. Aspen will have full rights to copyrights and trademarks related to the Product.
- b. Inventor will receive a 5% royalty on net sales of the Product, payable within 45 days of the close of each calendar quarter, along with a report of sales by SKU. This royalty structure is based on issuance of a broad patent protection to repel direct competition.
- c. The term of the Agreement will be for the marketable life of the Product.

-2-

2. Access to Information. Immediately following acceptance of this letter, Inventor will provide Aspen and its representatives access to all design concepts, prototypes, samples, patent applications, patent searches and registrations (if applicable), and other information of Inventor relating to the design of the Product to enable Aspen to complete its investigation of its marketability. Any proprietary or confidential information of Inventor disclosed to Aspen in the course of its investigation will be held in confidence by Aspen and returned to the inventor if an Agreement between both parties is not reached.

3. Expenses. Each party to the Agreement will pay all of its own expenses.

4. Cooperation and Exclusive Dealing. Inventor and Aspen will cooperate in good faith and expeditiously to determine the validity of the Product. Inventor agrees not to offer to license any rights to manufacture, distribute or sell the Product, and not to solicit, negotiate, accept or enter into any agreement with any third party with respect to the Product (including, without limitation, any agreement for the license, manufacture, sale, distribution or supply of the Product), until the expiration of 90 days from the execution date of this letter or such earlier date as the parties mutually agree that an Agreement cannot be reached.

5. Nondisclosure/Publicity. Each party agrees that it will not, without the prior written consent of the other party, disclose publicly or to any third party the terms and conditions of this letter or the subsequent negotiations between the parties, except to the extent required by law or as may be required by Aspen in connection with determining the cost of the Product.

6. Nonbinding Agreement. This letter of interest is intended to provide a basis for the preparation of a definitive Exclusive License Agreement. Until such agreement has been prepared and duly authorized, executed and delivered by both parties, none of the provisions of this letter shall be binding on either party with the exception of the agreements and obligations contained in numbered paragraphs 2 through 5 above.

7. Acceptance. This letter of interest may be accepted in writing by Inventor until November 19, 2002, but will terminate if not accepted by the close of business on that date.

-3-

If the foregoing is satisfactory, please evidence your acceptance of this proposal by signing and returning to us the enclosed copy of this letter. It is understood that upon your acceptance, this letter will constitute a letter of interest to negotiate in good faith to complete a definitive Exclusive License Agreement on the terms set forth above.

Very truly yours,

ASPEN PET PRODUCTS, INC.

By: 

Robert J. Kirch, Chief Executive Officer

ACCEPTED AND AGREED

Date: _____

PET GENERATION

By: _____

Julie Theel, President

Exhibit 4

Julie Theel

From: "Gary Hirschberg" <GaryH@Vo-Toys.com>
To: <Julie@petgeneration.com>
Sent: Thursday, October 17, 2002 10:19 AM
Subject: conversation at Backer Show

Julie,

I attempted to reach you by telephone after the Chicago Backer show. I left a voicemail. I thought it might be easier to reach you by email in the absence of anyone manning the telephone. If you recall, we had a brief discussion at your booth about the patent you have developed for partitioning toys with velcro. We are very keen on the concept and we would like to pursue a licensing agreement with the patent and develop our own designs. We would be interested in marketing some of yours as well but if you chose to go at that alone, we would be content to sell our own program. I am not sure what direction you are interested in pursuing but it would seem to me that the first and most realistic attempt should be to collect royalties from someone else's efforts to offset your upfront expenses. If you would like to pursue this further, I welcome hearing from you to discuss in more detail. I can be reached as follows: email or at 1 800 272-0088.

Exhibit 5

Julie Theel

From: <info@petgeneration.com>
To: <juliethel@cox.net>
Sent: Wednesday, January 15, 2003 2:26 PM
Subject: Web Site Inquiries from Wholesale Form

Do not reply to this email. Create a new email to respond.

Name: joanna rudalevige
Company Name: petco
Address: 9125 rehco rd
City: san diego
State: ca
Zip: 92121
Country: USA
Phone: 858-453-7845 x3545
Fax:
Email: joannar@petco.com
Type of Business: Retail Pet Store
How would you like to be contacted?: Email
Comments: interested in your product line ... would like to see price list
thanks
joanna

Exhibit 6

JULIE:

WE LOVE THE NEW TIGER &
MONKEY! SOLD A MONKEY
BEFORE I EVEN HAD THEM OUT OF
THE BOX! YOUR PRODUCT IS
GREAT! CAN'T WAIT TO SEE
WHAT'S TO COME!

THANKS

amber

at

HEALTHY PET

PO#: 111303ce

-On the Northwest-

Phone: (253) 943-0253 / Fax: (253) 943-0252 / E-Mail: Carlene1@attglobal.net
Mailing Address: 1815 Copalis Street NE/ Tacoma, Washington 98422

Bill to:

Railey's Leash & Treat
513 North 36th Street
Seattle, WA 98103
(206) 632-5200/Mark Smith

Manufacturer/Publisher Name:

Date: 11/13/03 Ship Date: 11/18/03 Ship Via: cheapest Terms: N30 Buyer Name: Buyer Phone: Salesperson: Carlene
Special Instructions:

Det Generation

QTY	UNIT	NUMBER	DESCRIPTION	PRICE	AMOUNT
8			Cow	5-	40-
8			monkey	5-	40-
8			tiger	5-	40-
					120-
					9.00

\$120-

Julie - Mark's dog (Railey)
LOVES your toys!

This is new favorite.

Mark calls it

"Railey's 'headless' monkey"

He wanted to make sure I
told you how much he
loves your product! - JGJ

Current Folder: **INBOX**[Sign Out](#)[Compose](#) [Addresses](#) [Folders](#) [Options](#) [Search](#) [Help](#) [Calendar](#) [Notes](#)[Message List](#) | [Delete](#)[Previous](#) | [Next](#)[Forward](#) | [Reply](#) | [Reply All](#)[View Full Header](#)[View Printable Version](#)[View Message details](#)**Subject: Pet Generation Contact Form**From: info@petgeneration.com [Add](#)

Date: Fri, March 21, 2003 6:03 pm

To: info@petgeneration.com

Priority: Normal

Do not reply to this email. Create a new email to respond.

Email: omalmals@ameritech.net

Phone:

Name: Cindy O'Malley

Interested in: Riproaring Funnies

Comments: I LOVE THESE TOYS!!! They are awesome for puppies. We have malamute puppies and they are wonderful for inspiring confidence and finding out who in the litter has the prey drive. Do you have any discounts for large orders? Thanks

[Download this as a file](#)

Julie Theel

From: "Carmen Laurin" <calaurin@shaw.ca>
To: <juliethheel@cox.net>
Sent: Monday, December 09, 2002 2:46 PM
Subject: Rip Roarin' Fun-nies toys

Hi Julie (I think that's the name I heard on your phone answering machine),

I am the owner of Pet Perspectives. I write and produce unique illustrated memorials and stories for clients about their pets and for friends/family as gifts to pet owners. Like you, my business venture is fairly new.

As a complementary add-on to my product, I am interested in a sole distributorship of unique high quality pet items for British Columbia. I came upon your Rip Roarin' Fun-nies toys in another site, and further search brought me to YOUR site.

Your toys are truly unique – haven't come across any like them in my ongoing extensive search. Would you be interested in marketing the toys in British Columbia, if you are not already in stores here (again, I hadn't seen your toys until today).

I look forward to hearing from you. In the meantime, congratulations on a unique product!

Carmen Laurin
Pet Perspectives
Bowser, BC
Phone: 250-757-8308

Exhibit 7

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES)

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES)

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? TEND TO THEM WANT TO CLIP apart

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES, MY DOGS LOVE THEM

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. DOGS CAN RIP THEM UP AND THEN REUSE THEM

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? MY DOGS LOVE THEM

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™".

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? DOG BALL

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? MY DOG'S BETTER STITCHING

11. Any additional thoughts or comments? JUST KEEP UP THE GOOD WORK

Store: FAIRWOOD RETAIL

Address: 14242 SE 175 ST

RENTON, WA 98058

Store Telephone Number: 425 271 9344

Signed: MARK R. SULLIVAN

Title: Manager

We REALLY appreciate your input! Thank you so very much!
Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscan, Suite B9-263 • Newport Beach, CA 92660 • (949) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? Yes
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? It's hard to incentive the dogs to rip apart the pieces.
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Never thought about it until we saw it
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs.
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Customers true. I sold it for dogs who used to think they are
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™": not selling as well as the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Big Razz Ball
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"?
11. Any additional thoughts or comments? We recommend the fuzzy ball because there are fewer little pieces on it for dogs to chew off.
Store: Well Bred We would like more designs
Address: 18 Main St. like that.
Clinton, NJ 07012
12. Store Telephone Number: 908-730-7777
13. Signed: Keith Stans
14. Title: Customer

We REALLY appreciate your input! Thank you so very much!
Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? ?

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. cute

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? none yet after purchase, before thought

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies": good idea

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? Bears

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? giggle TOYS

11. Any additional thoughts or comments? I've had to show them to customers & how they work

Store: PRETTY POODLES & PETS
Address: 6905 W. BROWARD BLVD. STE. 117
PLANTATION, FL 33317

special signage
would help.

Store Telephone Number: 954-587-0890

Signed: Roselyn Benson

Title: President

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

I know it's late but thought you might still want
the survey! WE LOVE THE TOYS!

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

2. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem to, at least temporarily, after removing the Velcro® attachments? SOME HAVE, SOME HAVE NOT

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. SOFT, VELCRO, FUN

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? VERY CUTE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

not selling as well as the other toys

selling the same as the other toys

X selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? SQUIRREL

11. Any additional thoughts or comments? SLIGHTLY STRONGER FABRIC FOR LARGE DOGS

Store: KOOL DOGS KAFE

Address: 10100 S. P.C.H.

Redondo Beach CA 90277

Store Telephone Number: 310-944-3232

Signed: RP

Title: OWNER

NEW PHONE #'s

FAX: 310-943-2246

Cust Serv: Bolo - KOOL DOG

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscan, Suite B9-263 • Newport Beach, CA 92660 • (800) 204-2539 • F (949) 425-8756

Pet Survey



Roarin' Fun-nies™

The Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things that are not supposed to? ALWAYS

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for these rip apart "needs"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? YES

5. Do you feel there was a long felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES - BUT I HAD NEVER THOUGHT OF IT

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. NOISE MAKER, SIZE, VELCRO ATTACHMENTS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? SEVERAL HAVE HAD THE BACK SEAMS OPEN EXPOSING STUFFING

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies".

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? PIG

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? MONKEY, DOG, CAT

11. Any additional thoughts or comments? ABOUT 5% OF TOYS COME WITH DEFECTS - FITTER, NOT SEWN ENTIRELY PLUSED OR NOISE MAKER

Store: MODERN DOG DOGS NOT WORK

Address: 1932 IVANHOE AVE

L.A. CALA, CA 90037

Store Telephone Number: 858-551-9696

Store: 0-2

Title: OWNER

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

Market Survey



"Rip Roarin' Fun-nies™"
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? YES, PER OUR CUSTOMERS

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? NOT SURE - WE HAVE CATS ONLY AT STORE

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? NOT IN BUSINESS LONG ENOUGH TO KNOW (\$100)

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. THE SMALL SIZE OF THE PARTS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? THEY LAUGH AT THE SANDWICH, COW & PIG

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

not selling as well as the other toys - THEY SEEM TO BE TOO EASY TO DESTROY, SO CUSTOMERS PICK OTHERS - ONLY SMALL ONES GOT RIP RATE.
 selling the same as the other toys
 selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? ORANGE FUN BAG - JUST ADDED PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? CAT OR MAILMAN

11. Any additional thoughts or comments? CUSTOMERS WORRY ABOUT THE SERVO BOX AND SAFETY. SOME CUSTOMERS DON'T BUY BECAUSE THEY DON'T WANT TO ENCOURAGE DESTROYIVE BEHAVIOR.

Store: PJ'S PAWS AND CLAWS

Address: 3320 W. MC GRAN #3

Seattle, WA 98199

Store Telephone Number: 206 289 7297

Signed: Patti Howell

Title: PRESIDENT

We REALLY appreciate your input! Thank you so very much!
Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 BLOOR, SUITE B9-283 • NEWPORT BEACH, CA 92660 • (866) 204-2589 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™"
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Don't Know

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Hide-a-treat option in balls - colors attract buyers

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Like them - says returned to buy more

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys

X selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ANIMALS - SELL IS 55%

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? More animals

11. Any additional thoughts or comments?

Store: Three Dogs Pet Key
Address: 2136 W. Poplar Ave.

Ste. 116

Store Telephone Number: 901-553-5464

Signed: Glenn Jones

Title: Owner

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1220 Bison, Suite B9-203 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?
no
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? yes
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. the fact they can rip it apart
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? none yet - they seem to like the concept
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys Just started selling these
 selling the same as the other toys
 selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? blue moocow

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? DINOSAURS

11. Any additional thoughts or comments?

Store: Academy of Canine Behavior-

Address: 4705 240th St. SE

Bethel, Wa 98021

Store Telephone Number: 425-486-9567

Signed: Leigh Youngberg

Title: G.M.

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscan, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756.

Market Survey



"Rip Roarin' Fun-nies™"

Pet Generation

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Both

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. Washable

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? They love it

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? Worm

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? Cartoon

11. Any additional thoughts or comments?

Store: Doggies in The Window

Address: 1105 E. Rincon

LB CA 90804

Store Telephone Number: 562-714-7154 - Fax: 562-714-7155

Signed: J. M. K.

Title: Owner Manager

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Rincon, Suite 89-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™"
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? no
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? yes
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? yes
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. no
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dog + Owners like them
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
 not selling as well as the other toys
 selling the same as the other toys
 selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Pig
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? Smaller ones
11. Any additional thoughts or comments?

Store: CRAZY ABOUT PETS
 Address: 2054 E. OAKLAND PARK BLVD.
FORT LAUDERDALE
 Store Telephone Number: 954 563 1644 FAX 5644488
 Signed: LLP
 Title: OWNER

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (800) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Temporarily appeased

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes - it's fun!!

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. They do not come apart by shaking them - only by pulling them apart

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dogs like them -

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys (NOT yet)

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? About the size - so far

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? I can't think of one - sorry

11. Any additional thoughts or comments? Keep up the fun stuff - ☺

Store: Everything PAWSible Inc.

Address: 1415 Liberty ST. A1F

Salem, OR 97303

Store Telephone Number: 503-349-1500

Signed: Wally

Title: President

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2839 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™" 
 ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? no
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes, my dog loves them
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? they seem appeased
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes, they're recent
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. the velcro sound as well as the rip apart feature
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? they like them
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys
 selling the same as the other toys
 selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? they were all good sellers but Pig/On
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? political characters
11. Any additional thoughts or comments? Please send me a catalog

Store: Bark Natural Pet Care
 Address: 5339 Ballard Ave NW
Seattle, WA 98107
 Store Telephone Number: 206-783-4972

Signed: Karen
 Title: Karen Martin, president/owner

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1250 Bison, Suite B9-283 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8766

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Varies but sure helps

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. cute shapes, strong velcro, quality fleece

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? "fun" "innovative"

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

not selling as well as the other toys requires a little salesmanship
 selling the same as the other toys so don't "sell themselves"
 selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? orange, blue & sandwhich

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? different size balls in various colors like caterpillar

11. Any additional thoughts or comments? if possible make tougher outside by using slightly stronger fleece on larger toys for tougher dogs

Store: Pro Pet Center

Address: 1400 Manchester

Bellflower CA 90201

Store Telephone Number: 636/391-2299

Signed: TC Thompson

Title: Mgr.

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Both

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. Don't have strings, plastic eyes etc. Good sounds

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Customers are amazed by them

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Pig

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? A post man

11. Any additional thoughts or comments?

Store: Animal Snackers 'n' Tetera

Address: 7205 Magazine ST.

NEW ORLEANS LA 70115

Store Telephone Number: 504-263-8711

Signed: Janet L. Lotter

Title: Asst Manager

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Exhibit 8

Give your customers something NEW!

FINALLY! A toy your dog can really **rip** apart! A WHOLE NEW CONCEPT IN TOYS!



Rip Roarin' Fun-nies™

by *Pet Generation*

Did you ever think you'd see the day when you would laugh and cheer as your dog excitedly rips the head, arms, and legs off of his brand new toy? Well that day is here! Introducing the "Rip Roarin' Fun-nies," a truly unique, patent pending, fun new type of toy for dogs that have Velcro® attachments to allow a dog to really feel like he is **ripping** the toy apart, and a human companion can simply stick it back together for more fun!

The benefits of this new concept in toys are many...

- Fewer needle and thread "surgeries" performed on poor, dismembered toys!
- Less money wasted on expensive toys that ruined when they are ripped to pieces!
- A healthy, wonderful alternative to that new pair of shoes when teaching your dog what **not** to tear apart!
- Terrific ripping noise that drives dogs crazy with excitement!
- Treats may be hidden in either of the ball designs – more fun!
- Multiple toys in one!
- Squeaks, rattles, and unusual noises!
- Happiness in knowing you are providing a fun NEW source of entertainment for your beloved dog!

Finally a toy that pleases and amazes everyone...
just don't forget to share with your dog

Eight great designs now.
with more in the works!

Contact us: Pet Generation, LLC, 1280 Bristol Drive, B9-26, Newport Beach, CA 92660
Phone (800) 201-5573, Fax (949) 455-8166, info@petgeneration.com, www.petgeneration.com

Exhibit B

Please type a plus sign (+) inside this box →

PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

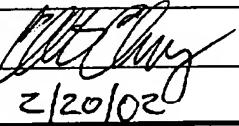
		Application Number	10-154-217
		Filing Date	5/20/02
		First Named Inventor	THEEL, Julie
		Group Art Unit	3712
		Examiner Name	5/20/02
Total Number of Pages in This Submission		Attorney Docket Number	

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

Affidavit Rule 1.132

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Clement Cheng	
Signature		
Date	5/20/02	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	Clement Cheng	
Signature		Date <input type="text" value="5/20/02"/>

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)55.00

Complete if Known

Application Number	10/154217
Filing Date	5/20/2002
First Named Inventor	Theel, Julie
Examiner Name	J. Williams
Group Art Unit	3712
Attorney Docket No.	Theel.01

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	200 370	Rolexco filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	<input type="text"/> X <input type="text"/> =	<input type="text"/>
			-3** =	<input type="text"/> X <input type="text"/> =	<input type="text"/>

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity | Small Entity

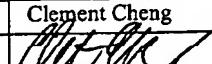
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to Institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
160 900	169 699	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

Complete if applicable

SUBMITTED BY			
Name (Print/Type)	Clement Cheng	Registration No. (Attorney/Agent)	45463
Signature			
	Telephone	714-825-0555	
	Date	2/20/2002	

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IN THE UNITED STATES PATENT OFFICE

APPLICATION OF)
)
THEEL, Julie)
)
SERIAL NUMBER 10-154-217)
)
FILED: 5/20/02)
)
TITLE: DISMEMBERABLE CANINE)
APPEASEMENT DEVICE AND METHOD)
)

Examiner Jamila Williams whose telephone number is 703-305-3312

Examiner Supervisor, Derris Banks 703-308-1745

703-305-3579 fax for regular communications

703-305-3579 fax for After Final communications

AMENDMENTS AND REPLY TO OFFICE ACTION

(OA Dated 11/20/2002)

IN THE SPECIFICATION

At Line 17, page 4 after the third paragraph ending with "Fig 5. Slack cord can be kept inside a hollow portion of a member 148 such as a tail member." please add the following sentence,

"The cartoon character can also comprise the form of a hamburger having a patty piece, an upper bun piece and a lower bun piece."

IN THE CLAIMS

1. A dismemberable house dog [pet] appeasement and training device to prevent destruction of household articles comprising:

a figure formed from a main member having a fabric exterior and an interface surface, and plurality of secondary members having a fabric exterior and an interface surface, at least one secondary member attached to the main member at an interface surface by an attachment means, the attachment means allowing reattachment between interface surfaces of members,

the main member and secondary members connecting to form a figure [of predetermined shape], the figure capable of being non-destructively dismembered by a house dog [canine], and

capable of reassembly by a user, wherein [whereby a user can repeatedly allow] a house dog [pet such as a canine to] rends apart said members to appease himself [the pet] and simulate destruction of the figure, said members sized to fit into the mouth of a house dog [domestic animal] and adapted for repeated play in the mouth of a domestic animal, wherein appeasement of the house dog prevents destruction of other articles.

7. A dismemberable house dog [pet] appeasement and training device of claim 1 further comprising elastic cord that is disposed between members to automatically restore connection between attachment [connection] means disposed upon interface surfaces, said elastic cord restoring a predetermined configuration of character members.
10. A method of appeasing and training a house dog [domestic animal] to prevent destruction of household articles comprising the steps of: forming a main member having a fabric exterior and at least one main member interface surface; forming a plurality of secondary members having a fabric exterior and at least one secondary member interface surface, said main member interface surface and secondary member interface surface capable of repeated nondestructive disconnection and reconnection via attachment means located on all said main member interface surfaces and secondary member interface surfaces, said at least one secondary member attached to the main member by an attachment means at an interface surface, connecting the main member and secondary members at their interface surfaces to form a plush character not resembling household articles [of predetermined configuration and shape]; allowing a house dog [domestic animal such as a canine] to rend apart said members to simulate destruction of the plush character [figure]; reassembling said plush character [figure] by attaching members using the attachment means at the interface surfaces; repeating the last two steps until appeasement of the house dog [domestic animal is satisfied]; repeating all steps to train the house dog to limit dismembering behavior to the plush character.
12. A method according to claim 10 wherein said attachment means consist of hook and loop tape, said hook portions of tape matedly attachable only to loop portions of tape, said loop portions affixed to said interface surfaces of secondary members [a member] to receive their respective hook portions on said interface surfaces of the main member [another member] to form a connection, said connection configured to allow construction of a plush [predetermined] character.

13. A method according to claim 10 wherein said loop portions are affixed to said interface surfaces of the main member [a member] to receive only their respective hook portions on said interface surfaces of secondary members [another member] to form a connection.

DISCUSSION OF REJECTIONS AND AMENDMENTS

Claim Rejections 35 USC § 112

Claims 6 and 17 were rejected under 35 U.S.C. 112, first paragraph because the "Specification does not appear to provide support for the limitations of the claims (specifically, a hamburger with upper and lower bun and patty member, as claimed)." The applicant has amended the specification to include support for the claims. No new matter has been entered.

Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1 and 10, the phrases "a figure of predetermined shape" have been amended to add clarity.

Claim 7, "connection means" is the same as the "attachment means" and is so amended. Claims 12 and 13, the terminology "a member", "another member" and "plurality of secondary members" has been clarified. The ambiguity has been removed. Claims 1 and 10, the phrase "such as" has been removed.

Claim Rejections 35 USC § 103

Claims 1, 2, 10-13 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al. The device of Russell is disclosed as being helpful for relieving stress in individuals like human sports fans (column 1 lines 15-20). The applicant acknowledges that the examiner takes the position that an individual or human constitutes a "domestic animal". The present device is designed for use by a domestic animal, which means a housedog. The term "domestic animal" has been clarified by amendment of claim language. Due to Claim amendment, the references no longer creates *prima facie* obviousness.

Russell is thus distinguishable. The device of Russell does not relate to house dog training. The present invention prevents destruction of other household articles by training a house dog to satisfy destructive dismembering instincts via the present invention. The emphasis of the present invention allows a house dog a particular item, commonly known as an 'allowed item' for dismembering. It is commonly understood that housedogs learn by repetition. Prior to

the present invention, no such device existed in the present form. Because previous house dog training aids and toys lacked a destructive dismembering outlet for a housedog, dogs remained prone to destructive dismembering behavior.

The Discussion of Related Art in the present application presents the problem to be avoided.

“The natural prey instinct in a canine makes it difficult for dogs to refrain from rending ordinary household items such as furniture, plush animals, shoes and carpet. The natural hunting instinct in a canine is curbed during domestication. The resulting frustration leads to unhealthy fits of destruction.”

Russell teaches the use of a dismemberable figure for human entertainment related spectator sports. The device of Russell thus teaches away from use of a dismemberable figure for dog behavior modification. Although the devices share certain structural similarities, they are used for and designed for different purposes.

Long Felt Need

Is there a long felt need to provide dog plush that can be ripped apart and put back together? The Purina Encyclopedia of Dog Care by Amy Shojai attached as Exhibit A, shows the problem of dog damage, but does not suggest providing a dog plush that can be ripped apart and put back together. The Purina Encyclopedia of Dog Care by Amy Shojai suggests various chew toys such as rawhide and tennis balls.

As any house dog owner knows, even well trained dogs have a tendency to rip apart household articles. This is because dogs have an instinct and oral fixation regarding household articles, yet humans do not chew and rip at their shoes and furniture when frustrated.

Has there been a long felt need in the pet toy industry for the product? Carmen Laurin, a prospective customer, stated in an email on 12/9/2002 “Your toys are truly unique -- haven't come across any like and then the in my ongoing extensive research.”

To determine the status of the art regarding dog toys, the applicant sent out a market survey to her customers in early February 2003. So far, 13 responses have been received.

1. For the question, “Have you ever seen a “rip apart” dog toy, prior to the “Rip Roarin’ Fun-nies” ?”

All 13 respondents said “NO”

2. For the question, "Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?

All 13 respondents said "YES"

3. For the question, "Do you feel that the "Rip-Roarin Fun-nies" rip apart toys provide a good outlet for that rip apart need?

All 13 Respondents said "YES"

4. For the question, "Do dogs rip apart the individual pieces or do they seem appeased, at least temporarily, after removing the Velcro attachments?"

Several different responses were generated:

3 Respondents were unsure, 3 stated that some dogs do, some do not, 5 stated that the dogs are at least temporarily appeased. 2 stated that dogs still ripped apart individual pieces.

5. For the question, "Do you feel that there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)

1 Respondent Said No, 11 Respondents said yes, and 1 Respondent was unsure

Licensing

The applicant has been approached for a license by large vendors such as PETCO (petco.com),

Aspen Pet Products (www.aspenpet.com), and Vo Toys (vo-toys.com). The applicant has been discussing licensing agreements with the vendors.

Discussion of Dependent Claims

Claim 3 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell in view of '461 to Fujikawa. In light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 3 and 14 are allowable. The references do not create prima facie obviousness. The snake figure in both '917 to Russell and '461 to Fujikawa do not relate to house dog toys and training aids for house dogs. None of the references cited discussed the central problem of modifying house dog behavior.

Claim 4 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '384 to Billis. Again, in light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 4 and 15 are allowable. The references do not

create prima facie obviousness. The ball figure in both '917 to Russell and '384 to Billis do not relate to house dog toys and training aids. None of the references cited discussed the central problem of modifying house dog behavior.

Claim 6 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '141 to Nakai. Russell in view of Nakai does not create prima facie obviousness. In light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 6 and 17 are allowable. The sandwich figure in both '917 to Russell and '141 to Nakai do not relate to house dog toys and training aids. Nakai provides a training aid for teaching children about cutting fruits and vegetables. Nakai provides a rigid device as opposed to a plush toy. Nakai requires use an implement requiring thumbs that are lacking in house dogs. None of the references cited discussed the central problem of modifying house dog behavior.

Claims 7 and 8, 18 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '100 to Essebaggers et al and further in view of '072 to Dreyer. Russell in view of Essebaggers does not create prima facie obviousness. Again, in light of the claim amendment to independent claim 1 and 10, applicant suggests that claims 7 and 8, 18 and 20 are allowable. Because the references cited do not relate to house dog toys and training aids, applicant suggests that there is no motivation to combine the references. None of the references cited discussed the central problem of modifying house dog behavior.

Claims 8 and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over '917 to Russell et al in view of '100 to Essebaggers et al and further in view of '216 to Chianese. Russell et al in view of Essebaggers and further in view of Chianese does not create prima facie obviousness. Chianese does not relate to dog toys. Essebaggers does not relate to dog toys. Russell does not relate to dog toys. Because the references cited do not relate to house dog toys and training aids, applicant suggests that there is no motivation to combine the references. None of the references cited discussed the central problem of modifying house dog behavior.

Please feel free to contact the undersigned attorney should you have any questions or comments regarding the office action reply. Thank you for your time and attention in this matter.

Respectfully submitted,



Clement Cheng, Esq. #45463
Law Offices of Clement Cheng, 17220 Newhope St Ste 127, Fountain Valley, CA 92708-4283
714-825-0555 phone; 714-825-0558 fax

CLEAN COPY OF THE CLAIMS

1. (Once amended) A dismemberable house dog appeasement and training device to prevent destruction of household articles comprising:
a figure formed from a main member having a fabric exterior and an interface surface, and plurality of secondary members having a fabric exterior and an interface surface, at least one secondary member attached to the main member at an interface surface by an attachment means, the attachment means allowing reattachment between interface surfaces of members,
the main member and secondary members connecting to form a figure, the figure capable of being non-destructively dismembered by a house dog, and capable of reassembly by a user, wherein a house dog rends apart said members to appease himself and simulate destruction of the figure, said members sized to fit into the mouth of a house dog and adapted for repeated play in the mouth of a domestic animal, wherein appeasement of the house dog prevents destruction of other articles.
8. (Once amended) A dismemberable house dog appeasement and training device of claim 1 further comprising elastic cord that is disposed between members to automatically restore connection between attachment means disposed upon interface surfaces, said elastic cord restoring a predetermined configuration of character members.
11. (Once amended) A method of appeasing and training a house dog to prevent destruction of household articles comprising the steps of: forming a main member having a fabric exterior and at least one main member interface surface; forming a plurality of secondary members having a fabric exterior and at least one secondary member interface surface, said main member interface surface and secondary member interface surface capable of repeated nondestructive disconnection and reconnection via attachment means located on all said main member interface surfaces and secondary member interface surfaces, said at least one secondary member attached to the main member by an attachment means at an interface surface, connecting the main member and secondary members at their interface surfaces to form a plush character not resembling household articles; allowing a house dog to rend apart said members to simulate destruction of the plush character; reassembling said plush character by attaching members using the attachment means at

the interface surfaces; repeating the last two steps until appeasement of the house dog; repeating all steps to train the house dog to limit dismembering behavior to the plush character.

14. (Once amended) A method according to claim 10 wherein said attachment means consist of hook and loop tape, said hook portions of tape matedly attachable only to loop portions of tape, said loop portions affixed to said interface surfaces of secondary members to receive their respective hook portions on said interface surfaces of the main member to form a connection, said connection configured to allow construction of a plush character.
15. (Once amended) A method according to claim 10 wherein said loop portions are affixed to said interface surfaces of the main member to receive only their respective hook portions on said interface surfaces of secondary members to form a connection.

CLEAN COPY OF THE SPECIFICATION

A monkey or other cartoon animal, as seen in the third embodiment, can be connected by a plurality of cords traveling through a main section and attaching to a tail member. A user can pull the tail member and reassemble the cartoon animal with ease. The user then connects the tail member to the cartoon animal. Fig 5. Slack cord can be kept inside a hollow portion of a member 148 such as a tail member. The cartoon character can also comprise the form of a hamburger having a patty piece, an upper bun piece and a lower bun piece.

Analogously, any other appendage can be used as the terminal point of a plurality of cords. Because cords are connected to each appendage and travel through a hollow portion of the main section, the cords can be adjusted so that all cords allow the same length of travel. This assists a user in reassembly of the device.

IN THE UNITED STATES PATENT OFFICE

APPLICATION OF

THEEL, Julie

SERIAL NUMBER 10-154-217

FILED: 5/20/02

TITLE: DISMEMBERABLE CANINE
APPEASEMENT DEVICE AND METHOD

AFFIDAVIT UNDER RULE 1.132

STATE OF Calif.

)

ss

COUNTY OF Orange

My name is Julie Theel, I am making this declaration and affidavit. I being duly sworn, do hereby depose and say as follows:

I offer a brief background on why I invented the "rip apart" dog toys in the first place, to also hopefully shed light on why I think I should be granted a patent. I have had many house dogs for over 30 years. I now have three beloved dogs, ranging from 15 pounds to 95 pounds. All three dogs derive great enjoyment out of playing with plush toys -- the only problem is, after several days of play (sometimes only hours!), the toys are often ripped to shreds, reduced to "mere carcasses," with my delighted dogs sitting in a messy sea of stuffing. For years I have simply surrendered to their rip apart desires, and have spent countless dollars in weekly new toy purchases (not to mention hours of "stuffing clean up"!). I figured that it is better that toys are ripped apart, rather than my shoes and furniture, which are the next sorry victims if my zealous dogs are not provided alternative outlets.

It was after years of commiserating with fellow dog owners over the problem of ripped apart, and thus destroyed, toys, that I came up with the idea for a toy that dogs could truly "rip apart" – or atleast feel as if they are "ripping apart" – without actually destroying the toy! And Velcro® attachments were the answer. So I created some prototypes, found a manufacturer, and took them to market.

The response has been overwhelming. Never before has such a toy been created specifically for dogs (as evidenced by an extensive patent search, as well as by the testimony of many long-time industry players and store owners in the attached Market Survey), and upon introduction first in Anaheim, CA, at the "Superzoo Dog Industry Show" (July, 2002), followed by the biggest show, H.H. Backer Dog Industry Show" in Chicago (October 2002), I was immediately approached for licensing by the two biggest dog toy manufacturers, who both expressed the desire to have the rights to "roll" these toys out as their latest and greatest new dog toy (if I am

not granted a patent, both companies will immediately go forward and mass produce “rip apart toys,” effectively putting me out of business since I could unfortunately at this time not be able to compete with their size and abilities).

Additional testimony to the favorable response to my idea is that I recently entered into an agreement with Petco, the largest chain of dog supply stores (certainly experts in the dog business!), to merchandise the toys in their new boutique concept stores, where they claim they are only placing “new and unique items.”

It is because of this overwhelming response, along with the licensing requests (which depend on the acceptance of a patent), and the fact that I truly believe it is evidenced that there was a long-felt need for a “rip apart” dog toy, a toy with a different use from any “rip apart” toy made for humans-- a toy made specifically for dogs, that solves the problem of destroyed toys and other items (born out of a chewing, ripping need common to all dogs) -- that I am hoping to be granted protection of my idea.

1. Dogs have a chewing need that can turn destructive if not given a proper outlet.
 - “Canine chewing is normal, natural behavior for dogs and cannot –should not—be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings” (-Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg.109)
 - “...destructive behavior has no age limits...they are not being spiteful or trying to punish you ...they’re just finding the most convenient outlet for their emotions.” (-Vet on Call, pg.142)
 - “One reason dogs chew when they’re upset is because that’s their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives” (-Steven Appelbaum, animal behaviorist, Vet on Call, pg. 143)
 - “Dogs don’t show emotion the way people do...they experience the same feelings, such as anxiety, frustration, and boredom. They can’t tell you when they’re upset, but they can show you – sometimes with destructive behavior.” (-Vet on Call, pg. 142)
 - “While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with” (-Vet on Call, pg.142)
 - “...unlike people, dogs don’t outgrow the habit of mouthing and gnawing.” (-Amy D. Shojan, The Purina Encyclopedia of Dog Care, pg. 108)
2. There is a long-felt need for proper outlets for this instinctual chewing need.
 - Note: See Market Survey: The market survey attests to a long-felt need for a proper “ripping outlet”
 - My own experiences as a dog owner, and the many, irreparably ripped apart dog toys
 - Feedback from the “dog community” at Dog Industry Shows (Superzoo, Anaheim, CA, July 2002, and H.H. Backer, Chicago, October, 2002)
 - My retailers’ testimony that the most common complaint among dog owners is a ripping apart/destruction of household items
3. A “rip apart” dog toy provides a proper outlet for this chewing need.

- Note: See Market Survey: Dogs seem to be appeased after ripping the main parts apart
- My own experience: My dogs no longer irreparably destroy their toys, but rather seem delighted after ripping heads, arms and legs off, and I can then simply stick the toy back together.

4. A “rip apart” toy has never been created, marketed, or patented specifically for dogs before

- Patent search evidences this
- Note: See Market Survey: Store owners and managers, most of whom have been in the business many years and could be considered experts by way of experience, testify that they have never seen a “rip apart” dog toy before
- Petco, the largest chain of dog supply stores, is placing the toys in their new “boutique” sections of their stores where they are merchandising only new and unique items

5. Although “rip apart” toys exist for humans, these toys were patented for a totally different use than the use we would like to patent for “rip apart” dog toys.

- “Rip apart” dog toys:
 - meant to be ripped apart with the teeth
 - meant to provide an outlet for appeasement of the instinctual, inherent chewing, rip-apart-with-the-teeth need, which is exclusive to dogs (humans don’t normally rip their shoes or furniture apart with their teeth to alleviate frustration, boredom, or stress)
 - dogs can’t comprehend stress after a “bad call” in a ball game and so do not use the toys for this release
 - dogs don’t rip apart the toys for any educational means, or so that they can enjoy putting them back together as an end use
- “Rip apart” human toys:
 - often meant to be taken apart so that they can be put back together as an end use
 - often meant to be educational
 - can be used to release stress humans might feel after a “bad call” in a ball game
 - not meant to alleviate a prey or chewing instinct
- Humans don’t have a long-felt need for a toy that will help humans eliminate destructive chewing, or any oral behavior toward shoes, clothes, or furniture, however dogs do need such a toy to provide this outlet, and “rip apart” toys made for dogs provide this outlet

6. Toys that are created specifically for dogs, differ from toys that are made for humans

- Size: with special consideration for the largest sized dogs’ mouths, i.e. no small parts, tennis ball sized or larger, so as not to be swallowed
- Shape: with special consideration for what would entice dogs, usually animal shapes to simulate prey, or balls to encourage chasing
- Color: animal behaviorists claim pink and orange are most enticing to dogs
- Sound: voice boxes to simulate animal/prey sounds are especially desirable to dogs, as well as rattles and squeakers

- Safety: no plastic eyes, embroidered facial features are best, no toxic materials, must be washable, no removable metal pieces
- Velcro® that is strong enough to give dogs enough resistance to simulate “destruction” but soft enough to avoid abrasion of the gums
- Proper warnings on hang tags for dogs

7. “Rip apart” dog toys are non-obvious...they are new, unique, answer a problem, and upon introduction are suddenly in great demand

- The two top competing dog toy companies have each approached me with requests to enter into a licensing agreement for the “rip apart” dog toys IF a patent is granted (without a patent they will go forward without my consent or control, “We have a keen interest in your concept...”Mr. Gary Hirschberg, president, Vo-Toys, in an email to me, attached).
- The largest chain of dog supply stores, Petco, will be merchandising the toys in their new high-end concept stores which only feature, according to buyer for Petco, Ms. Joanna Rudalevige, the most new and unique items.

I also prepared a Marketing Survey that was sent to about 70 pet shop owners who sell dog supplies, but did not follow up with them yet. So far the results of Pet Generation Marketing Survey have been.

1. For the Question, “Have you ever seen a “rip apart” dog toy, prior to the “Rip Roarin’ Fun-nies”?”

All 13 respondents said “NO”

2. For the Question, “Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?”

All 13 respondents said “YES”

3. For the question, “Do you feel that the “Rip-Roarin Fun-nies” rip apart toys provide a good outlet for that rip apart need?”

All 13 Respondents said “YES”

4. For the question, “Do dogs rip apart the individual pieces or do they seem appeased, at least temporarily, after removing the Velcro attachments?”

Several different responses were generated:

3 Respondents were unsure, 3 Stated that Some dogs do, Some do not, 5 stated that the dogs are at least temporarily appeased. 2 stated that Dogs still ripped apart individual pieces.

5. For the Question, “Do you feel that there was a long-felt need for a toy that dogs could be allowed to “rip apart” (and it could then be put back together!)

1 Respondent Said No, 11 Respondents said yes, and 1 Respondent was unsure

6. For the Question asking for the “features that make the Rip Roarin’ Fun-nies especially well suited for dogs.

Respondents answered with, "Cute," Soft, Velcro, Fun, Noise Maker, Size, Velcro attachments, Small size of the Parts, Only come apart by pulling apart, Hide a Treat Option, Sound of the Velcro, Fact they can rip it apart, Washable, Noise, Cute Shapes, strong Velcro, quality fleece, Velcro Sound.

The most common response referred to attributes of the Velcro.

7. For the Question, "What kind of feedback had you had from your customers regarding the "Rip Roarin Fun-nies"

12 Respondents reported that they received Positive Feedback

1 Respondent reported that they received negative Feedback due to Opening of Back Seam.

8. For the Question, "In comparison to the other dog toys your store sells, please rank the sale: of the Rip Roarin Fun-nies"

4 Respondents reported that they are not selling as well as other toys

7 Respondents reported that they are Selling the same as the other toys

2 Respondents reported that they were selling better than the other toys

I testify that the above is true and accurate to the best of my knowledge.

Julie Theel
Julie Theel

2-20-2003

Date

Results of Pet Generation Marketing Survey

1. For the Question, "Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin Fun-nies"?"

All 13 respondents said "NO"

2. For the Question, "Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to?"

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Exhibit A - Amendment and Reply to Office Action

Exhibit B - Affidavit

Exhibit C - Results of Pet Generation Marketing Survey

Exhibit D - Article from "The Purina Encyclopedia
of Dog Care"

Exhibit E - Article from "Vet on Call"

Exhibit F - Letter of Intent for Licensing Agreement
proposed by Aspen Pet Products

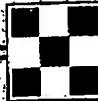
Exhibit G - Email from Gary Hirschberg, President
of Vo-Toys, proposing licensing
agreement

Exhibit H - Email with testimony regarding
uniqueness of my idea from Carmin Lauria

Exhibit I - Initial email from Joanna Rudalevige, Pet Perspective
expressing interest in my toys, which led
merchandising agreement for their "boutique
sections in the Petco stores, for new and
unique items

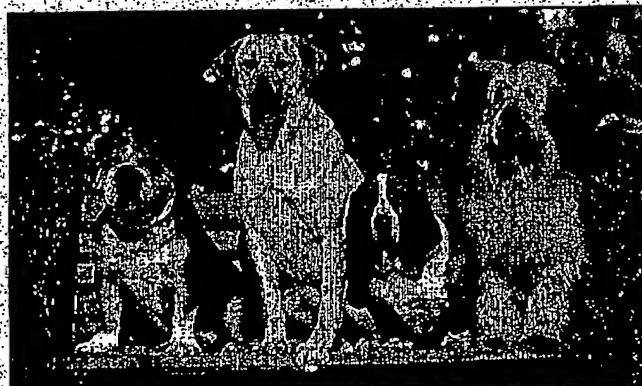
Exhibit J - Market Surveys

Exhibit K - Company brochure

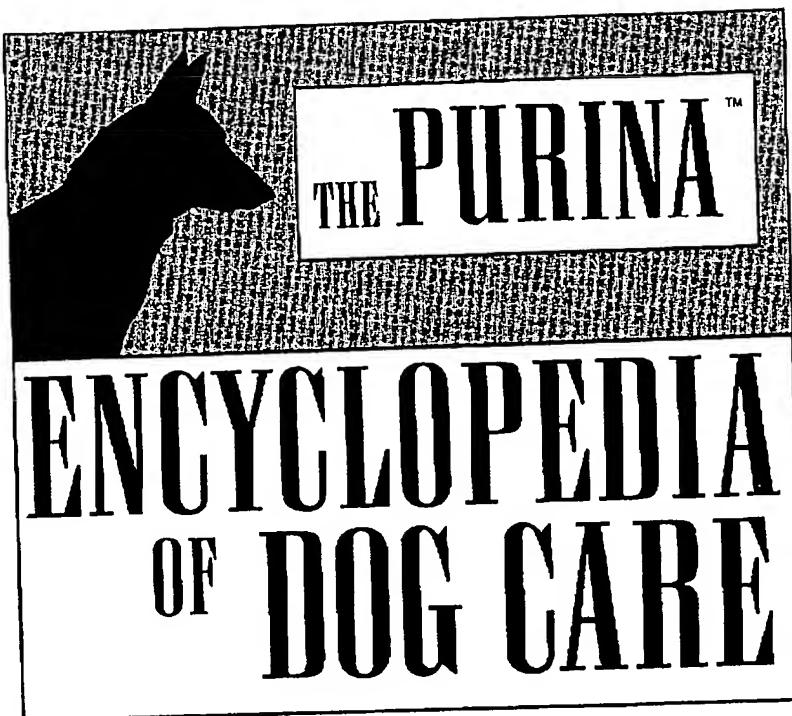


THE PURINA ENCYCLOPEDIA OF DOG CARE

A COMPLETE A-TO-Z GUIDE, FROM
CANINE CARE AND PERSONALITY
TRAITS TO BREED CHARACTERISTICS!



AMY J. SHOJAI
FOREWORD BY BRIAN KILCOMMONS



AMY D. SHOJAI

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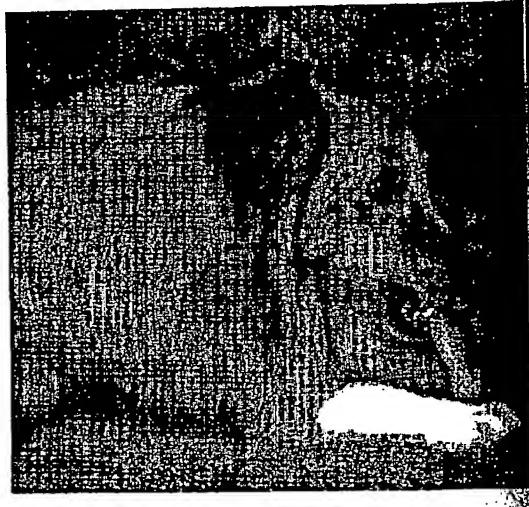
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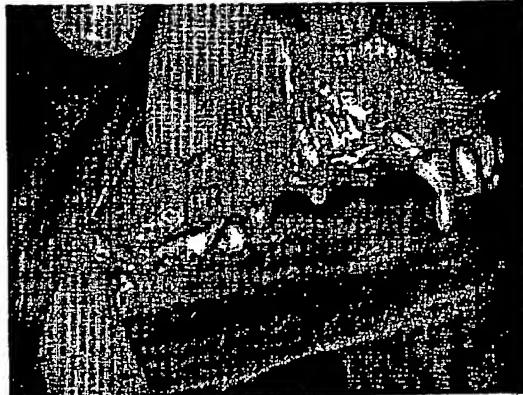
CHEWING

Just like human babies, puppies put things in their mouths as a way to explore their world. Particularly when teething, young dogs chew objects to relieve the discomfort. But unlike people, dogs don't outgrow the habit of mouth and gnawing.

Your dog doesn't have hands and instead uses her mouth. Canine mouth-oriented creatures with an incredible ability to control the intensity



Dogs love to chew
(Photo credit: Amy D. Shojai)



Chewing can wear or break teeth
(Photo credit: Ralston Purina Company)



Chewing sticks can cause problems (Photo credit: Betsy Stowe)

their bite. Modern pet dogs use their powerful teeth and jaws to pick up and carry things, to eat, for defense, and for recreational chewing. Gnawing objects simply feels good to dogs.

This oral fixation tends to get dogs into trouble, however, because they aren't always particular about the objects they target. Canine chewing not only can damage your property, but can injure the dog when teeth are broken or an object is swallowed (see SWALLOWED OBJECTS and PERIODONTAL DISEASE).

Items that carry their beloved owner's scent—like leather shoes—are often targeted, but nothing is sacred. Dogs who are bored and have nothing else to do tend to be problem chewers.

Chewing is normal, natural behavior for dogs and cannot—should not—be eliminated. It is up to owners to provide their pets with appropriate and safe chewing outlets to satisfy these doggy cravings.

Avoid offering objects that may confuse your dog. If she's not to chew your new shoes, don't offer the old ones; dogs may not be able to tell the difference. Choose instead a dog toy sold in grocery or pet stores. The key to solving problems is to reduce your dog's opportunities to make mistakes. Don't leave tempting items scattered about the house, and confine your dog to a "safe" zone when you aren't there to supervise her activity. When you catch

her chewing a forbidden object, tell her "no" and take it away (or remove her from the table leg), and provide her with an allowed alternative. A product like Bitter Apple applied to dangerous objects, like electrical cords, will help train your dog to leave forbidden items alone.

Never offer your dog bones to chew on. Raw bones are unsanitary, and both raw and cooked bones can splinter under the dog's assault. Swallowed fragments could cause lethal internal trauma by puncturing or blocking the gastrointestinal tract.

A number of commercial chew objects are available, including a variety of flavored rawhide toys. Rawhide is fine in moderation, but large dogs tend not only to chew, but to eat the things. In excess, rawhide can interfere with sound nutrition when your dog eats these treats instead of her food. They can also cause CONSTIPATION and sometimes blockage if large enough pieces are swallowed.

Commercial hard rubber chew objects are available in sizes and even chicken and liver flavors to suit nearly every dog. The Nylabone and Gumbone products are excellent, offering a nearly indestructible source of chewing delight.

INDIGESTIVE DISORDERS

Also called *Cheyletiella* dermatitis, this condition in dogs is usually caused by a mite called *Cheyletiella yasguri*. The mite lives on the surface of the dog's skin and causes a contagious disorder that tends to be limited to scaling and crusting of the skin. Typically, the dog's fur looks filled with dandruff. The skin may be itchy or not, and occasionally the lymph nodes will also swell. Some dogs may harbor the mite without showing any signs, yet spread the disease. Any

SYMPTOMS	CAUSES	TREATMENT
Diarrhea	Food poisoning, intestinal parasites, intestinal obstruction, colitis, liver or kidney disease, or metabolic disorders.	Antidiarrheal drugs, antibiotics, or surgery.
Vomiting	Food poisoning, intestinal parasites, intestinal obstruction, colitis, liver or kidney disease, or metabolic disorders.	Antidiarrheal drugs, antibiotics, or surgery.
Constipation	Obstruction, metabolic disorders, or intestinal parasites.	Enemas, laxatives, or surgery.



Vet On Call

The Best Home Remedies
for Keeping Your Dog Healthy

From the Editors of

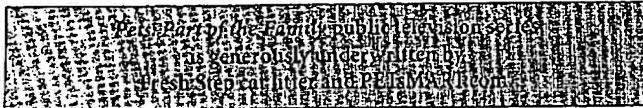


Edited by Matthew Hoffman

Veterinary consultant: Christine L. Wilford, D.V.M., is a veterinarian in private practice in Seattle, Washington, and the "Veterinary News" columnist for *American Kennel Club Gazette*.



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Emmaus, Pennsylvania



Notice

This book is intended as a reference volume only, not as a medical manual. The information given here is designed to help you make informed decisions about your pet's health. It is not intended as a substitute for any treatment that may have been prescribed by your veterinarian. If you suspect that your pet has a medical problem, we urge you to seek competent medical help.

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OUR PURPOSE

To explore, celebrate, and stand in awe before the special relationship between us and the animals who share our lives.

Pets
part of the family

Destructiveness

Many dogs, from the most refined poodle to the heartiest mutt, seem to have a secret side. When you're home your dog is always on his best behavior. But when you leave for work or go to bed, his personality changes and he shows his dark side—as you later discover when you find your tattered shirt, chewed shoes, and dug-up plants.

It's normal for puppies to chew, so your first task, after buying a food bowl, a tiny collar, and a chew toy, is to get your possessions off the floor and out of jaw-range. But destructive behavior has no age limits. Some older dogs, after years of good behavior, suddenly seem to forget their lessons and go on a rampage. They're not being spiteful or trying to punish you for leaving them at home all day. They're just finding the most convenient outlet for their emotions.

Don't Leave Me

Dogs don't show their emotions the way people do, so we sometimes forget that they experience many of the same feelings, such as anxiety, frustration, and boredom. They can't tell you when they're upset, but they can show you—sometimes with destructive behavior.

It's not a coincidence that dogs are usually at their most destructive when they're left alone, says Daniela Ortner, an animal behaviorist in Los Angeles, California. Until humans came on the scene, dogs always lived in packs, and they don't like spending time alone. In your dog's eyes, you're part of his pack, and when you leave the house, he may feel abandoned. As his anxiety mounts he may experience the canine equivalent of temporary insanity and begin annihilating everything within reach. It's his way of working out bad feelings. For more information on separation anxiety see pages 158 to 159.

Unless you spend your days at home, there's no easy way to monitor your dog's goings-on. It takes time and patience, but there are ways to help him cope with being on his own.

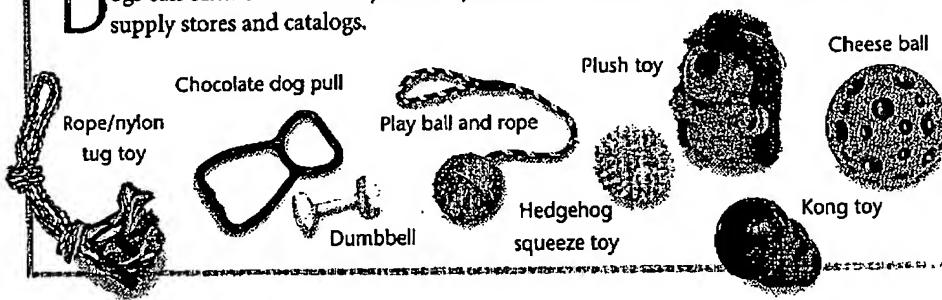
Enroll your dog in doggie day care. The extra attention will make him less anxious—and less destructive.





CHEW TOYS

Dogs can often be diverted by chew toys. There is a wide variety available from pet supply stores and catalogs.



Find him a job. Dogs who are confident and secure are much less likely to become destructive when they're alone. A great way to boost your dog's ego is to give him something to do—anything from canine sports like flyball to visiting hospitals or nursing homes. Also, active dogs are tired dogs, so they're more likely to sleep than look for trouble when you're gone, says Patricia McConnell, Ph.D., a certified animal behaviorist in Black Earth, Wisconsin.

Dogs need special training for therapy-dog work. That's not a bad thing, because many dogs enjoy obedience training, and especially the praise that comes from doing a good job.

Keep his jaws busy. One reason dogs chew when they're upset is because that's their way of relieving tension, and also of passing the time. One of the best ways to stop a destructive dog who enjoys chewing is to give him acceptable alternatives, like chew toys or tennis balls, says Steven Appelbaum, an animal behaviorist in Northridge, California. A good choice is the Kong toy, says Dr. McConnell. Made of stout

rubber with a hollow cavity inside, these are designed to hold small amounts of food, like cheese or a spoonful of peanut butter. Dogs can happily spend hours just trying to get the food out of the hole.

When choosing chew toys, avoid discarded socks or shoes. Your dog can't tell the difference between old, rejected slippers and brand-new pumps. If you let him think one shoe is acceptable, he'll conclude that all shoes are fair game.

Use a deterrent. Some dogs have a favorite object—anything from a piano leg to the corner of a door frame—and will keep returning to chew the life out of it. Spraying the object with something that tastes or smells bad, such as Bitter Apple or citronella, available in pet supply stores, will help keep them away.

Another approach is to booby-trap the things your dog chews—for example, by putting coins in an empty soda can and tying it to the object of his desire. When he grabs it, the noise will startle him and he may think twice about chewing it next time.

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begin an-
within
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our days
sy way to
ngs-on. It
nse, but
him cope

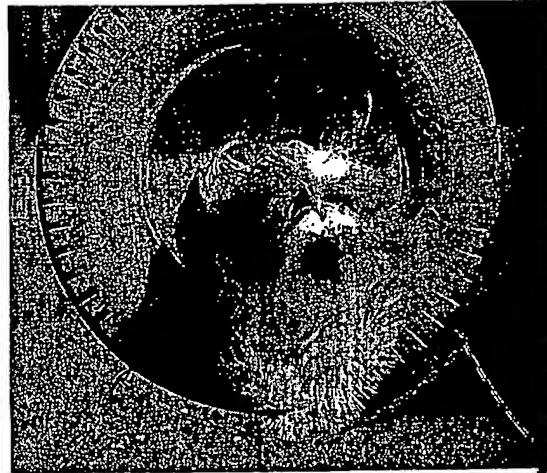
day
will
and



Give him his own space. Dogs naturally gravitate to small, enclosed, den-like spaces, especially when they're anxious. In fact, many dogs feel insecure when they have the run of the house—they don't know what to do with all that space. Try confining your dog in a small room or gradually get him used to being crated when you're not home. This can make him feel much safer and more secure, so he's less likely to run amok.

Sabotage his digging. Some dogs get destructive in the house; others love tearing up the yard. It's extremely hard to discourage a dog that digs digging, but you can make it harder for him by burying lava rock in the area, since he won't like the way it feels when he hits it, says Appelbaum. Or try cutting his nails so that digging feels uncomfortable—but don't cut them so short that you damage the sensitive quick.

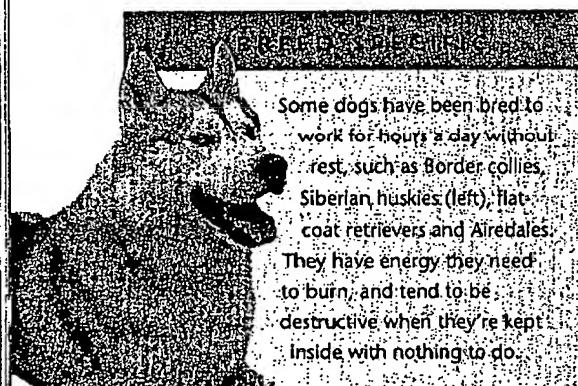
Drop by occasionally. If you're lucky enough to live close to work, you can always drop by at lunchtime. When you visit your dog during the day, his isolation is interrupted, and



This bearded collie is burning tremendous amounts of energy. The more he plays and exercises the less likely he is to be distressed and destructive.

he'll be less likely to be anxious when you're gone. When you're not able to get away from work, you might want to arrange with a neighbor or a professional dog sitter to drop by your home during the day. Giving your dog someone to play with, even if it's only for a few minutes, will help keep him entertained while taking his mind off your belongings, says Ortner.

Wear him out. While dogs often use destructive behavior as a way of defusing stress, they also do it simply because they have more energy than they know what to do with. A good solution is to give him a lot of exercise just before you leave in the morning and again when you get home at night, says Dr. McConnell. A dog who's used up all his energy is much less likely to be destructive.



Some dogs have been bred to work for hours a day without rest, such as Border collies, Siberian huskies (left), flat-coat retrievers and Airedales. They have energy they need to burn, and tend to be destructive when they're kept inside with nothing to do.



FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Julie Theel	Kelsey Baker, Executive Assistant
COMPANY:	DATE:
Per Generation	11/11/2002
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
949.425.8756	4
PHONE NUMBER:	SENDER'S PHONE NUMBER:
	303.375.1001
RE:	SENDER'S FAX NUMBER:
License Agreement	303.375.1254

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

From Robert Kirch ...

Aspen Pet Products, Inc.
4735 N. Florence Street
Denver, CO 80238

November 11, 2002

Julie Theel, President
Pet Generation
1280 Bison
Suite: B9-263
Newport Beach, CA 92660

Re: "Rip Roarin' Fun-nies

Dear Julie:

On the basis of our telephone conversation, we are pleased to advise you that Aspen Pet Products, Inc. ("Aspen") is interested in entering into a definitive Exclusive License Agreement (the "Agreement") with Pet Generation ("Inventor") with respect to the Rip Roarin' Fun-nies (the "Product"). We understand that the Product could potentially be the subject of a utility patent in the US, which has been filed by the Inventor. This letter of interest sets forth the key terms of our proposal for an Agreement, as follows:

1. Terms of Agreement. The principal terms of the Agreement will be as follows:

- a. Inventor will grant to Aspen the exclusive right to manufacture, distribute and sell the Product worldwide. Aspen will have full rights to copyrights and trademarks related to the Product.
- b. Inventor will receive a 5% royalty on net sales of the Product, payable within 45 days of the close of each calendar quarter, along with a report of sales by SKU. This royalty structure is based on issuance of a broad patent protection to repel direct competition.
- c. The term of the Agreement will be for the marketable life of the Product.

-2-

2. Access to Information. Immediately following acceptance of this letter, Inventor will provide Aspen and its representatives access to all design concepts, prototypes, samples, patent applications, patent searches and registrations (if applicable), and other information of Inventor relating to the design of the Product to enable Aspen to complete its investigation of its marketability. Any proprietary or confidential information of Inventor disclosed to Aspen in the course of its investigation will be held in confidence by Aspen and returned to the inventor if an Agreement between both parties is not reached.

3. Expenses. Each party to the Agreement will pay all of its own expenses.

4. Cooperation and Exclusive Dealing. Inventor and Aspen will cooperate in good faith and expeditiously to determine the validity of the Product. Inventor agrees not to offer to license any rights to manufacture, distribute or sell the Product, and not to solicit, negotiate, accept or enter into any agreement with any third party with respect to the Product (including, without limitation, any agreement for the license, manufacture, sale, distribution or supply of the Product), until the expiration of 90 days from the execution date of this letter or such earlier date as the parties mutually agree that an Agreement cannot be reached.

5. Nondisclosure/Publicity. Each party agrees that it will not, without the prior written consent of the other party, disclose publicly or to any third party the terms and conditions of this letter or the subsequent negotiations between the parties, except to the extent required by law or as may be required by Aspen in connection with determining the cost of the Product..

6. Nonbinding Agreement. This letter of Interest is intended to provide a basis for the preparation of a definitive Exclusive License Agreement. Until such agreement has been prepared and duly authorized, executed and delivered by both parties, none of the provisions of this letter shall be binding on either party with the exception of the agreements and obligations contained in numbered paragraphs 2 through 5 above.

7. Acceptance. This letter of interest may be accepted in writing by Inventor until November 19, 2002, but will terminated if not accepted by the close of business on that date.

-3-

If the foregoing is satisfactory, please evidence your acceptance of this proposal by signing and returning to us the enclosed copy of this letter. It is understood that upon your acceptance, this letter will constitute a letter of interest to negotiate in good faith to complete a definitive Exclusive License Agreement on the terms set forth above.

Very truly yours,

ASPEN PET PRODUCTS, INC.

By: 

Robert J. Kirch, Chief Executive Officer

ACCEPTED AND AGREED

Date: _____

PET GENERATION

By: _____

Julie Theel, President

Julie Theel

From: "Gary Hirschberg" <GaryH@Vo-Toys.com>
To: <Julie@petgeneration.com>
Sent: Thursday, October 17, 2002 10:19 AM
Subject: conversation at Backer Show

Julie,

I attempted to reach you by telephone after the Chicago Backer show. I left a voicemail. I thought it might be easier to reach you by email in the absence of anyone manning the telephone. If you recall, we had a brief discussion at your booth about the patent you have developed for partitioning toys with velcro. We are very keen on the concept and we would like to pursue a licensing agreement with the patent and develop our own designs. We would be interested in marketing some of yours as well but if you chose to go at that alone, we would be content to sell our own program. I am not sure what direction you are interested in pursuing but it would seem to me that the first and most realistic attempt should be to collect royalties from someone else's efforts to offset your upfront expenses. If you would like to pursue this further, I welcome hearing from you to discuss in more detail. I can be reached as follows: email or at 1 800 272-0088.

Julie Theel

From: "Carmen Laurin" <calaurin@shaw.ca>
To: <julietheel@cox.net>
Sent: Monday, December 09, 2002 2:46 PM
Subject: Rip Roarin' Fun-nies toys

Hi Julie (I think that's the name I heard on your phone answering machine),

I am the owner of Pet Perspectives. I write and produce unique illustrated memorials and stories for clients about their pets and for friends/family as gifts to pet owners. Like you, my business venture is fairly new.

As a complementary add-on to my product, I am interested in a sole distributorship of unique high quality pet items for British Columbia. I came upon your Rip Roarin' Fun-nies toys in another site, and further search brought me to YOUR site.

Your toys are truly unique – haven't come across any like them in my ongoing extensive search. Would you be interested in marketing the toys in British Columbia, if you are not already in stores here (again, I hadn't seen your toys until today).

I look forward to hearing from you. In the meantime, congratulations on a unique product!

Carmen Laurin
Pet Perspectives
Bowser, BC
Phone: 250-757-8308

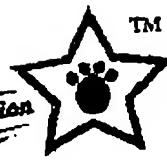
Julie Theel

From: <info@petgeneration.com>
To: <julietheel@cox.net>
Sent: Wednesday, January 15, 2003 2:26 PM
Subject: Web Site Inquiries from Wholesale Form

Do not reply to this email. Create a new email to respond.

Name: joanna rudalevige
Company Name: petco
Address: 9125 rehco rd
City: san diego
State: ca
Zip: 92121
Country: USA
Phone: 858-453-7845 x3545
Fax:
Email: joannar@petco.com
Type of Business: Retail Pet Store
How would you like to be contacted?: Email
Comments: interested in your product line ... would like to see price list
thanks
joanna

Market Survey



"Rip Roarin' Fun-nies™" *Pet Generation*
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? temporarily to think what to do

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES my dogs love them

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. my dogs love the sound of the velcro

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? my love them

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? dog ball

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? my brother's better stitching

11. Any additional thoughts or comments? just keep up the good work

Store: Fairwood Pet Ctr

Address: 14242 SE 175 ST

RENTON, WA 98058

Store Telephone Number: 425 271 9344

Signed: Manager

Title: Manager

We REALLY appreciate your input! Thank you so very much!
Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Bicon, Suite B9-263 • Newport Beach, CA 92660 • (949) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? Yes
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? First bark, seems to indicate YN then rip
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? Never thought about it until we saw it
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs.
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? True, it's true. I sell it for dogs who need to think they are
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™": destroying something
 not selling as well as the other toys
 selling the same as the other toys
 selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Big Fuzzy Ball
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"?
11. Any additional thoughts or comments? We recommend the fuzzy ball because there are fewer little pieces on it for dogs to chew off - we would like more designs like that.
Store: 11211 Breez
Address: 18 Main St.
Clinton, NJ 07012
Store Telephone Number: 908-730-7977
Signed: Keith Starns
Title: Co-Owner

We REALLY appreciate your input! Thank you so very much!
Pet Generation LLC

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1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"™?
—NO—

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes

3. Do you feel that the "Rip Roarin' Fun-nies"™ rip-apart toys provide a good outlet for that rip apart "need"? yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments?

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies"™ especially well suited for dogs. cute

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"™? none yet after purchase, before thought

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies"™: good idea

- not selling as well as the other toys
- selling the same as the other toys
- selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies"™ designs, which is your best seller? Bears

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"™? giggle TOYS

11. Any additional thoughts or comments? I've had to show them to customers & how they work special signage would help.

Store: PRETTY POODLES & PETS

Address: 6905 W. BROWARD BLVD. STE. 117

PLANTATION, FL 33317

954-387-5094

Store Telephone Number: 954-387-5094

Signed: Rosemary Benson

Title: President

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

I know it's late but thought you might still want
the survey! WE LOVE THE TOYS!

Market Survey



"Rip Roarin' Fun-nies™" Pet Generation
...the Velcro® attached dog toys, that can be "ripped apart" and put back
together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they
are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that
rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily,
after removing the Velcro® attachments? SOME HAVE, SOME HAVE NOT

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart"
(and it could then be put back together)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for
dogs. SOFT, VELCRO, FUN

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-
nies™"? VERY CUTE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip
Roarin' Fun-nies™":

not selling as well as the other toys
selling the same as the other toys SEEM TO SELL BETTER
X selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best
seller? PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin'
Fun-nies™"? SQUIRREL

11. Any additional thoughts or comments? SLIGHTLY STRONGER FABRIC FOR
LARGE DOGS

Store: KOOL DOG KAFE

Address: 11011 S. P.C.H.

Redondo Beach, CA 90277

Store Telephone Number: 310-944-5232

NEW PHONE #'s

FAX: 310-943-2246

CUST SERV: 800-5-KOOL DOG

Signed: K.D.

Title: OWNER

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscan, Suite B9-283 • Newport Beach, CA 92660 • (866) 204-2038 • F (949) 425-8756

FEB-15-2003 11:47 AM ADAM ZUCKER

619 223 0135

P.01

FEB-15-03 12:40 PM C E THEEL

949 425 8756

P.02

Pet Survey



Roarin' Fun-nies™

Has Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things that are not supposed to? ALWAYS

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for their rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? YES

5. Do you feel there was a long felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? YES - BUT I HAD NEVER THOUGHT OF IT

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. NOISIE MAKER, SIZE, VELCRO ATTACHMENTS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? SEVERAL HAVE HAD THE BACK SEAM OPEN EXPOSING STUFFING

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

- not selling as well as the other toys
- selling the same as the other toys
- selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? PIG

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? MONKEY, DOG, CAT

11. Any additional thoughts or comments? ABOUT 5% OF TOYS COME WITH DEFECTS - GITTER NOT SEWN ENTIRELY PULLED OFF NOISIE MAKER

Store: MODERN DOG DOGS NOT WORK

Address: 7932 VANHOE AVE

L.A. CALA, CA 90037

Store Telephone Number: 858-551-9696

Phone: 0-3

Title: OWNER

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 B Street, Suite B1-203 • Newport Beach, CA 92660 • (888) 243-2638 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™"
...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES, PER OUR CUSTOMERS

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? NOT SURE - WE HAVE CATS ONLY AT STORE

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? NOT IN BUSINESS LONG ENOUGH TO KNOW (I NO)

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. THE SMALL SIZE OF THE PIECES

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"?

THEY LAUGH AT THE SANDWICH, COW & PIG

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

X not selling as well as the other toys - THEY SEEM TO BE TOO EASY TO DESTROY, SO CUSTOMERS PICK OTHERS
— selling the same as the other toys - ONLY SMALL DOGS GET RIP RATEWS.
— selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ORANGE RIN BAN - JUST ADDED PIG & COW

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"?

CAT OR MAILMAN

11. Any additional thoughts or comments?

CUSTOMERS WORRY ABOUT THE SERVO BOX AND SAFETY. SOME CUSTOMERS DON'T BUY BECAUSE THEY DON'T WANT TO ENCOURAGE DESTRUCTIVE BEHAVIOR.

Store: PJ'S PAWS AND CLAWS

Address: 3320 W. MAC CRAW #3

Seattle, WA 98199

Store Telephone Number: 206 283 7297

Signed: Patti Howell

Title: PRESIDENT

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 BLOOR, Suite B9-283 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? YES

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? YES

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Don't Know

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? YES

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. THREE - 2 - TOYS COLORS ATTRACT BUYERS

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? LIKE THEM SOME RETURNED TO BUY MORE

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys

X selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? ANIMALS SELL BEST

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? MONSTERS

11. Any additional thoughts or comments?

Store: Three Dogs Pet Supply

Address: 2136 W. Poplar Ave.

Ste. 116

Store Telephone Number: 901-853-5464

Signed: Glenn Fries

Title: Owner

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

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Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

no

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? yes

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. the fact they can rip it apart

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? none yet - they seem to like the concept

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys Just started selling these
 selling the same as the other toys
 selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? blue moo cow

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? DINOSAUR'S

11. Any additional thoughts or comments? _____

Store: Academy of Canine Behavior

Address: 4705 Zanker St. SE

Bethel, Wa 98021

Store Telephone Number: 425-486-9567

Signed: Eric Youngberg

Title: G.M.

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Biscail Suite B9-263 • Newport Beach, CA 92660 • (888) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Both

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. Washable

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? They love them

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? Worm

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? Cartoon

11. Any additional thoughts or comments?

Store: Doggies in The Window

Address: 1106 E Anaheim

L.B. CA 90604

Store Telephone Number: 572-2114 - 7055

Signed: John

Title: Customer Manager

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1280 Rison, Suite 89-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"? no
2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? yes
3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? yes
4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? yes
5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together!)? yes
6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. durability
7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dogs + Owners like them
8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":
 - not selling as well as the other toys
 - selling the same as the other toys
 - selling better than the other toys
9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? Pig
10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? similar ones
11. Any additional thoughts or comments?

Store: CRAZY ABOUT PETS
 Address: 2054 E. OAKLAND PARK BLVD.
FORT LAUDERDALE

Store Telephone Number: 954 563 1644 FAX 564 4488
 Signed: LLP

Title: owner

We REALLY appreciate your input! Thank you so very much!
 Pet Generation, LLC

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1280 Bison, Suite B9-263 • Newport Beach, CA 92660 • (800) 204-2539 • F (949) 425-8756

Market Survey



"Rip Roarin' Fun-nies™" ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

NO

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Temporarily appeased

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes - it's fun!!

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. They do not come apart by shaking them - only by pulling them apart

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? Dogs like them -

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

 not selling as well as the other toys (NOT yet) selling the same as the other toys selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? About the size - S for

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? I can't think of one - Sure

11. Any additional thoughts or comments? Keep up the fun stuff - ☺

Store: Everything Possible Inc.Address: 1415 Liberty ST. A1FSalem, OR 97303Store Telephone Number: 503-399-0500Signed: Marylyn OlsonTitle: President

We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1780 Bison, Suite B9-263 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8756

Market Survey

"Rip Roarin' Fun-nies™" 
 ...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies™"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies™" rip-apart toys provide a good outlet for that rip apart "need"? Yes, my dog likes them

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? They seem appeased

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes, they request

6. Name the features, if any, that make the "Rip Roarin' Fun-nies™" especially well suited for dogs. The velcro band as well as the rip apart feature

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies™"? They like them

8. In comparison to the other dog toys you store sells, please rank the sales of the "Rip Roarin' Fun-nies™":

not selling as well as the other toys

selling the same as the other toys

selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies™" designs, which is your best seller? They were all good sellers but Pig/On

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies™"? Political characters?

11. Any additional thoughts or comments? Diverse seems nice

a catalog

Store: Bark Natural Pet Care

Address: 5339, Bellard Ave BD

Seattle, WA 98107

Store Telephone Number: 206-783-4972

Signed: Karen Martin

Title: Karen Martin, president/owner

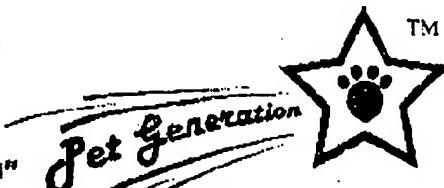
We REALLY appreciate your input! Thank you so very much!

Pet Generation, LLC

PLEASE FAX BACK TO 949-425-8756

1260 Bison, Suite B9-283 • Newport Beach, CA 92660 • (866) 204-2539 • F (949) 425-8766

Market Survey



"Rip Roarin' Fun-nies™"

...the Velcro® attached dog toys, that can be "ripped apart" and put back together!

1. Have you ever seen a "rip apart" dog toy, prior to the "Rip Roarin' Fun-nies"?

No

2. Do your customers often complain that their dogs destroy or rip apart toys or things they are not supposed to? Yes

3. Do you feel that the "Rip Roarin' Fun-nies" rip-apart toys provide a good outlet for that rip apart "need"? Yes

4. Do dogs rip apart the individual pieces, or do they seem appeased, at least temporarily, after removing the Velcro® attachments? Varies (but sure helps)

5. Do you feel there was a long-felt need for a toy that dogs could be allowed to "rip apart" (and it could then be put back together)? Yes

6. Name the features, if any, that make the "Rip Roarin' Fun-nies" especially well suited for dogs. cute shapes, strong velcro, quality fleece

7. What kind of feedback have you had from your customers regarding the "Rip Roarin' Fun-nies"? "fun" "innovative"

8. In comparison to the other dog toys your store sells, please rank the sales of the "Rip Roarin' Fun-nies":

- not selling as well as the other toys requires a little salesmanship
- selling the same as the other toys so don't "sell themselves"
- selling better than the other toys

9. Out of the different "Rip Roarin' Fun-nies" designs, which is your best seller? orange ball & sandwhich

10. What design/character would you like to see introduced next into the family of "Rip Roarin' Fun-nies"? different size balls in various colors like caterpillar

11. Any additional thoughts or comments? if possible make tougher outside by using slightly stronger fleece on larger toys for tougher dogs

Store: Pro Pet Center

Address: 1400 Manchester

Fallbrook, CA 92021

Store Telephone Number: 636/391-2299

Signed: JL Thompson

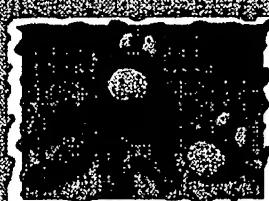
Title: Manager

We REALLY appreciate your input! Thank you so very much!
Pet Generation, LLC

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Give your customers something NEW!

FINALLY! A toy your dog can really rip apart! A WHOLE NEW CONCEPT IN TOYS!



Rip Roarin' Fun-nies™

by Pet Generation

Did you ever think you'd see the day when you would laugh and cheer as your dog excitedly rips the head, arms, and legs off of his brand new toy? Well that day is here! Introducing the "Rip Roarin' Fun-nies,"™ a truly unique, patent pending, fun new type of toy for dogs that have Velcro® attachments to allow a dog to really feel like he is ripping the toy apart, and a human companion can simply stick it back together for more fun!

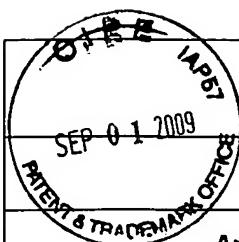
The benefits of this new concept in toys are many!!...

- Fewer needle and thread "surgeries" performed on poor, dismembered toys!
- Less money wasted on expensive toys that ruined when they are ripped to pieces!
- A healthy, wonderful alternative to that new pair of shoes when teaching your dog what not to tear apart!
- Terrific ripping noise that drives dogs crazy with excitement!
- Treats may be hidden in either of the ball designs – more fun!
- Multiple toys in one!
- Squeaks, rattles, and unusual noises!
- Happiness in knowing you are providing a fun NEW source of entertainment for your beloved dog!

Finally a toy that pleases and amazes everyone...
Just don't forget to share with your dog

Eight great designs now.
with more in the works!

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(800) 247-5479 (949) 458-5651 (to@petgeneration.com) www.petgeneration.com



Electronic Acknowledgement Receipt

EFS ID:	5976618
Application Number:	10668049
International Application Number:	
Confirmation Number:	7272
Title of Invention:	Pet toy
First Named Inventor/Applicant Name:	Julie Theel
Customer Number:	30076
Filer:	Clement Cheng/Allison Hata
Filer Authorized By:	Clement Cheng
Attorney Docket Number:	83359.0002
Receipt Date:	28-AUG-2009
Filing Date:	22-SEP-2003
Time Stamp:	16:44:34
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$270
RAM confirmation Number	3053
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Appeal Brief Filed	Appeal_brief_part1.pdf	21644314 2988299b66f0a7fc6b0a046c6ae93a3066a1 8a84	no	75
Warnings:					
Information:					
2	Appeal Brief Filed	Appeal_brief_part2.pdf	16572159 4d4e2de617a43a71584566b16db2dcb55c 41b58f	no	51
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29638 See4cfe4ecae084c00aaa4d69c87818175ea af26	no	2
Warnings:					
Information:					
Total Files Size (in bytes):				38246111	
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